



UNITED STATES  
**SECURITIES AND EXCHANGE COMMISSION**

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January 17, 2012

**BY ECF**

The Honorable Gary L. Sharpe  
United States District Judge  
United States District Court  
Northern District of New York  
United States Courthouse  
Albany, New York 12207

**Re: SEC v. McGinn, Smith & Co., Inc., et al., 10 CV 457 (GLS)(DRH)**

Dear Judge Sharpe:

Following consultation with the parties, I write to advise the Court that plaintiff intends to file a summary judgment motion with regard to one or more claims in the Second Amended Complaint. In addition, defendants Lauren Smith, Geoffrey Smith and the David and Lynn Smith Irrevocable Trust intend to file summary judgment motions.

Pursuant to Judge Homer's order dated February 23, 2011, the deadline for filing dispositive motions is February 15, 2012. Under the Court's scheduling orders (Dkt. Nos. 136, 290, 418), the Trial Ready date is March 15, 2012.

The parties also respectfully request a conference with Your Honor within the next week to discuss the summary judgment briefing, as well as the pre-trial order and related issues.

Respectfully submitted,

/s/  
David Stoelting

cc: The Honorable David R. Homer (by ECF)  
James Featherstonhaugh, Esq. (by email and ECF)  
E. Stewart Jones, Esq. (by email and ECF)  
William Dreyer, Esq. (by email and ECF)  
Nancy McGinn, *pro se* (by email and ECF)