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Honorable David R. Homer
U.S. Magistrate Judge
445 Broadway
Room 411
Albany, NY 12207

DAVID R. HOMER
UNITED STATE MAGISTRATE JUDGE
ALBANY, NEW YORK

January 18th, 2012.

Dear Judge Homer:

Re: 10cv457

It is now January 18th 2012 and if I may take the liberty of speaking for all the DEFRAUDED INVESTORS of the McGinn Smith case, we are out of patience. This letter is not intended to be "politically correct" it is intended to be blunt and to the point.

The last posting I read on the receiver's website - once again, REQUESTED REIMBURSEMENT from Scott J. Ely, Esq. of Featherstonehaugh, Wiley & Clyne LLP.

The request for reimbursement of expenses from the various parties, mainly attorneys and the Receiver continues to erode what little monies are left for the VICTIMS. WE are in the true sense of the word VICTIMS. WE are the men and women who have had our lives turned upside down and in many instances have had our life savings STOLEN. Additionally many of us paid taxes on those monies, so we are hit twice. Now we are being bludgeoned with continuous requests for full reimbursement of expenses, which would emanate from the continuously shrinking recovery pot. In my opinion all the outstretched hands in this case are so full of GREED that they have lost sight as to who the true VICTIMS ARE and cannot for one moment have any comprehension of how to live life without. Not once in any request for reimbursement has there been consideration to the discounting of fees due to this tragedy. All these requests ensure their bills are paid immediately at top dollar in order to fill their own pockets. In my mind they are no less GREEDY than the McGinn Smith thieves who stole our money in the first place. The word VICTIM means a person who is tricked, swindled or taken advantage of. I believe we fall under all three categories.

Many victims have written to Congressman Chris Gibson, Senator Charles Schumer and Senator Kirsten Gillibrand. Not one of them had the courtesy to respond. Is it perhaps that in the real world, the McGinn Smith defrauded investors are not viewed as high profile citizens, albeit we are tax payers? I would further like to direct this point to the SEC and SIPC: Are we, the McGinn Smith VICTIMS, any less worthy of restitution from SIPC because we are not on the level of the VIP's as in the Madoff case or the Stanford case?

There have been repeated requests by the VICTIMS urging the SEC to bring a strong case to SIPC for "FULL" restitution. Unless this happens we will forever remain VICTIMS having our lives destroyed by white collars thieves while all the receiving

parties, including those mentioned above, run off into the sunset with their wallets full at our expense..... and thus there will be no justice served.

We are defrauded citizens who deserve to be represented at the very highest level in order to have SIPC make full restitution.

Respectfully,

Lesley Levy
917 -992-0125.

cc Mr. David Stoelting: stoeltingd@sec.gov

cc William J. Brown Esq. wbrown@phillipslytle.com: www.mcginnsmithreceiver.com

cc.Congressman Chris Gibson: 502 Cannon HOB, Washington DC 20515

cc.Senator Charles E. Schumer: 780 3rd Ave. Suite 2301, New York, N.Y. 10017

cc.Senator Kristin Gillibran: 780 3rd Ave. Suite 2601, New York, N.Y. 10017

cc.Brendan Lyons - Times Union blyons@timesunion.com