

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION

*Plaintiff,*

vs.

McGINN, SMITH & CO., INC.,  
McGINN, SMITH ADVISORS, LLC,  
McGINN, SMITH CAPITAL HOLDINGS CORP.,  
FIRST ADVISORY INCOME NOTES, LLC,  
FIRST EXCELSIOR INCOME NOTES, LLC,  
FIRST INDEPENDENT INCOME NOTES, LLC,  
THIRD ALBANY INCOME NOTES, LLC,  
TIMOTHY M. McGINN, AND DAVID L. SMITH,  
LYNN A. SMITH, GEOFFREY R. SMITH, Trustee  
of the David L. and Lynn A. Smith Irrevocable Trust  
U/A 8/04/04, GEOFFREY R. SMITH, LAUREN  
T. SMITH, and NANCY McGINN,

**Case No.: 1:10-CV-457**

**(GLS/DRH)**

*Defendants,*

LYNN A. SMITH and NANCY McGINN,

*Relief Defendants, and*

GEOFFREY R. SMITH, Trustee of the David L.  
and Lynn A. Smith Irrevocable Trust U/A 8/04/04,

*Intervenor.*

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**CERTIFICATE OF SERVICE**

I, WILLIAM J. DREYER, of DREYER BOYAJIAN LLP, hereby certify that on the 2<sup>nd</sup>  
day of March, 2012, I caused the **REPLY TO PLAINTIFF'S OPPOSITION OF  
DEFENDANT DAVID L. SMITH'S MOTION TO MODIFY THE JULY 22, 2010  
PRELIMINARY INJUNCTION ORDER** to be electronically filed with the Clerk of the U.S.

District Court, Northern District of New York, using the CM/ECF system which sent notification of such filing to the following:

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*/s/ William J. Dreyer*  
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William J. Dreyer (Bar Roll No. 101539)