



**Phillips Lytle LLP**

VIA CM/ECF

March 9, 2012

Hon. David R. Homer  
United States Magistrate Judge  
United States District Court  
Northern District of New York  
United States Courthouse  
445 Broadway  
Albany, NY 12207

Re: Securities and Exchange Commission vs. McGinn, Smith & Co., Inc., et al.  
Case No. 1:10-cv-00457-GLS-RFT  
Receiver's Motion for an Order Approving Procedure for Filing of Claims, Etc.

Dear Judge Homer:

We have today filed the Motion of William J. Brown, as Receiver, for an Order (I) Approving a Procedure for the Administration of Claims; (II) Establishing a Deadline for Filing of Claims; and (III) Approving the Form and Manner of Notice Thereof ("Motion") (Docket No. 466).

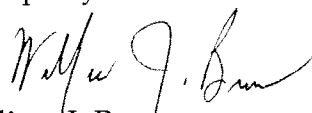
The form of the Motion and the proposed process is satisfactory to the SEC.

I respectfully request that the Court schedule this Motion for a hearing date earlier than would otherwise be provided by the Local Rules. I would cause service of the Motion to be made upon all persons who have requested notice in the action as well as posting it promptly on the Receiver's website. Other parties in interest would receive it automatically via CM/ECF.

Other than March 16 and April 6, 2012, I am available for any hearing on the Motion at the Court's convenience through April 5, 2012. I have taken the liberty of placing a So Ordered provision at the bottom of this letter.

Very truly yours,

Phillips Lytle LLP

By   
William J. Brown

EEEht:Doc # 01-2562777.1

ATTORNEYS AT LAW

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The hearing on the Motion shall be heard at \_\_\_\_\_ a.m. on \_\_\_\_\_, 2012 at the United States Courthouse, 445 Broadway, Albany, New York 12207.

So Ordered:

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Hon. David R. Homer  
United States Magistrate Judge

cc (w/enc. Motions;  
via E-mail): David Stoelting, Esq.  
Lara Mehraban, Esq.  
Kevin McGrath, Esq.  
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