

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

No. 10-CV-457
(GLS/DRH)

McGINN, SMITH & CO., INC., et al.,
Defendants.

ORDER

By letter dated March 5, 2012, the United States of America, requested a conference pursuant to N.D.N.Y.L.R. 7.1(b)(2) to seek leave to file motions to (1) intervene in this action for purposes of filing a motion for a stay, and (2) stay this action pending completion of a related federal criminal proceeding. Dkt. No. 462. A conference concerning this request was held on-the-record on March 15, 2012 with counsel for all parties, the Receiver, and counsel for the United States. Defendant pro se Nancy McGinn did not participate. From that conference it appears that no party objects to the request of the United States to intervene to file a motion to stay. It further appears that defendants David Smith, Timothy McGinn, the Trust, and the individual Smith defendants join in the motion of the United States for a stay and that plaintiff Security and Exchange Commissioner takes no position on that motion. Accordingly, without objection, it is hereby

ORDERED that:

1. The request of the Unites States to intervene in this action to file a motion for a stay of proceedings pending completion of a related criminal proceeding is **GRANTED**; and

2. The United States shall file a proposed order regarding its request for a stay and decision on that proposed order will be reserved for a period of ten days from the date of the filing to permit any party to file any objections to the proposed order.

IT IS SO ORDERED.

Dated: March 16, 2012
Albany, New York


United States Magistrate Judge