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Hernando, Fl

March 20, 2012

Honorable David R Homer  
US District Court, Northern NY  
445 Broadway, RM 441  
Albany, NY, 12207

**RECEIVED**  
MAR 22 2012

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

REF: McGinn, Smith & Co. case # 1:10-cv-00457-GLS-DRH

Dear Honorable David Homer

This will be a follow-up to my letter of October 20, 2010.

Surely, by this time, you must realize, that almost all of the McGinnSmith victims were elderly, retired people, whose life savings were critical for survival, and who were not accredited for this type of investment (in our case, 50+ years of work and sacrifice by myself, as a physician, and 30+ years, by my wife).

The evidence revealed by Discovery against these defendants has been **OVERWHELMING**, yet they continue to push for unfreezing of frozen ill-gotten assets, and to use hidden stolen victim's money for high-priced defense attorneys, who they could be retaining on **CONTINGENCY**, which is all that the victims can do, or they could be assigned **PUBLIC DEFENDERS!** This continues to deplete valuable Victim's assets, while these defendants continue to live a lavish life style!

If there is any case that deserves to be presented by the SEC ASAP to SIPC for reimbursement, it is this case! The McGinnSmith victims are truly suffering, and under tremendous stress. To allow a stay of the civil trial of 3/15/12, pending completion of the Criminal Trial would delay a judgement and hinder this process, and to allow unfreezing of ill-gotten gains would be unthinkable, and totally **UNJUST!**

Therefore, we feel obligated to join the other victims, in urging you **NOT TO UNFREEZE ILL-GOTTEN GAINS**, and **NOT TO STAY OR DELAY THE CIVIL TRIAL** by the SEC! In the end, these people need to be in prison. They have caused tremendous suffering!

Respectfully,

Stanley C Rosenzweig MD

cc: [David Stoeltingstoeltingd@sec.gov](mailto:David.Stoeltingstoeltingd@sec.gov)