

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

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**SECURITIES AND EXCHANGE COMMISSION,**

Plaintiff,

v.

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

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

Defendants.

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**ORDER**

A conference was held on-the-record on April 17, 2012 at the request of defendant David Smith ("Smith"). During the conference, Smith requested permission in accordance with N.D.N.Y.L.R. 7.1(b)(2) to move to release from the scope of the asset freeze on a life insurance trust with an estimated present value of approximately \$160,000. Plaintiff Securities and Exchange Commission ("SEC") was unable to determine its position on the intended motion without reviewing documents concerning the life insurance trust and Smith's arguments for its release from the asset freeze. Accordingly, as directed at the conclusion of the conference, it is hereby

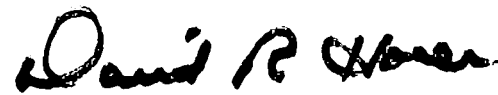
**ORDERED**, that Smith is granted leave to move to release the life insurance trust from the asset freeze and such motion shall proceed according to the following schedule:

1. Smith shall file any serve his motion and supporting papers on or before **April 27, 2012**;
2. The SEC and any other party may file papers in opposition to such motion on or before **May 9, 2012**;
3. Smith may file any reply papers on or before **May 16, 2012**; and

4. The motion will be taken on submission without oral argument.

**IT IS SO ORDERED.**

Dated: April 18, 2012  
Albany, New York

A handwritten signature in black ink, appearing to read "David R. Hovner". The signature is written in a cursive style with some loops and flourishes.

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United States Magistrate Judge