



Phillips Lytle LLP

VIA CM/ECF

June 7, 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
Motion to Approve Sale and Related Relief Relating to White Glove Cruises, LLC
and Luxury Cruise Receivables, LLC

Dear Judge Homer:

Consistent with prior practice established with your Chambers, I am writing to respectfully request a hearing date of either June 20 after 11 A.M. or June 21 anytime for the Sale Motion described below and approval to implement the marketing and auction procedures. I have just filed on ECF the Motion, as follows:

Motion of William J. Brown, as Receiver, for an Order Approving (I) Sale and Bidding Procedures With Respect to the Sale of White Glove Cruises, LLC and Luxury Cruise Receivables, LLC, (II) Time, Date, Place and Manner of Notice for Each of the Auction and Sale Hearing, and (III) an Order Approving the Sale of the Receiver's Interests in White Glove Cruises, LLC and Luxury Cruise Receivables, LLC Free and Clear of Liens, Claims, Encumbrances, and Other Interests.

The Motion seeks approval for the sale of a travel agency in the Ft. Lauderdale, Florida area owned by various MS Entities. The sale is for \$575,000, plus the release of the estate from further rent liability of approximately \$258,540 for an existing office lease.

ATTORNEYS AT LAW

3400 HSBC CENTER BUFFALO, NY 14203-2887 PHONE 716 847 8400 FAX 716 852 6100
BUFFALO ALBANY CHAUTAUQUA GARDEN CITY NEW YORK ROCHESTER WWW.PHILLIPSLYTLE.COM



Hon. David R. Homer
Page 2

June 7, 2012

Motions for the sale of assets under the Preliminary Injunction Order (Docket No. 96) require only four business days notice. By So Ordering this letter, I respectfully request that the Court schedule this Motion for hearing on either June 20 after 11 A.M. (because the 74 State Street foreclosure auction is at 10 A.M.) or June 21 at anytime and approve the implementation of the marketing, auction and bidding procedures which will be in place prior to the sale hearing for any competing offers. I am available to answer any questions.

Very truly yours,

Phillips Lytle LLP

By /s/ William J. Brown

William J. Brown

EEEht
Doc # 01-2582940.1

The marketing, auction and sale procedures set forth in the Motion are approved, and the hearing on the Motion shall be heard at _____ a.m. on June __, 2012 at the United States Courthouse, 445 Broadway, Albany, New York 12207.

So Ordered:

Hon. David R. Homer
United States Magistrate Judge

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



Hon. David R. Homer
Page 3

June 7, 2012

Kevin McGrath, Esq.
E. Stewart Jones, Esq.
William Dreyer, Esq.
James Featherstonhaugh, Esq.
Nancy McGinn