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August 6, 2012

Honorable David R. Homer  
United States Magistrate Judge  
United States District Court – Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, New York 12207

RE: Securities and Exchange Commission v. McGinn, Smith & Co., Inc., et al.  
10-CV-457 (GLS/DRH)

Dear Magistrate Judge Homer:

In light of the significant implications of the SEC's pending application, we are writing on behalf of Lynn Smith to request the Court's permission to file a reply to the SEC's opposition to the pending cross motion pursuant to Local Rule 7.1(c). We would also like to request permission to file a sur-reply pursuant to Local Rule 7.1.

Thank you for your consideration.

Respectfully Submitted,

**Featherstonhaugh, Wiley & Clyne, LLP**

s/ Scott J. Ely

Scott J. Ely

SJE:cc