

Pierre A. Conti, VMD, MBA, DACLAM
8 West Mill Road
Flourtown, PA. 19031

October 17, 2012

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

OCT 22 2012

LAWRENCE K. BAERMAN, CLERK
ALBANY

Honorable Christian F. Hummel
Federal Magistrate Judge
445 Broadway
Room 411
Albany, NY 12207

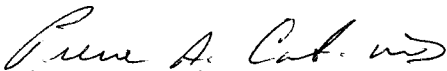
Dear Judge Hummel,

I am writing to you again regarding SEC v. McGinn, Smith & Co, Inc., et al., Case No. 1:10-cv-00457-GLS-CFH and our status as victims of this fraudulent action.

I understand that the receiver is finally preparing to make payments to the claimants in this case. We are holders of senior secured and senior subordinated notes in TAIN, FIIN, FAIN, and FEIN. These notes offered a lower interest rate than the junior level notes with the understanding that in a loss situation they would be redeemed ahead of the junior level note holders. The information found in the Receiver's website provides no clear indication if he plans to honor this rule.

I respectfully ask that you direct the receiver to recognize the contractual differences between the three levels of notes issued (Senior Secured, Senior Subordinated, and Junior subordinated and make the distribution of remaining funds accordingly.

Respectfully submitted,


Pierre A. Conti, VMD, MBA, DACLAM

Cc: William J. Brown Esq, Receiver
3400 HSBC Center
Buffalo, NY 14203