



**Phillips Lytle** LLP

VIA CM/ECF

November 2, 2012

Hon. Christian F. Hummel  
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-CFH  
Seton Hall Motion

Dear Judge Hummel:

I have just filed on ECF the Motion of William J. Brown, as Receiver, for an Order Approving Settlement with Seton Health System, Inc. with respect to a Certain Ground Lease (Seton Hall Associates).

This Motion is in the nature of a settlement with a party who is a ground lessor to a medical office building in Troy, New York adjacent to St. Mary's Hospital. I have negotiated a beneficial settlement for the benefit of the estates with respect to the termination of the ground lease and surrender of the building for cash consideration relieving the estates of significant liabilities. I am filing this Motion for approval on notice to the required parties as set forth in the Motion.

Motions for the sale of assets under the Preliminary Injunction Order require only four business days notice. I respectfully request that the Court schedule this Motion for hearing on or about November 16, 2012 by So Ordering this letter. I am available to answer any questions.

Very truly yours,

Phillips Lytle LLP

By

William J. Brown

EEEht  
Doc # 01-2612656.1

ATTORNEYS AT LAW

WILLIAM J. BROWN, PARTNER DIRECT 716 847 7089 WBROWN@PHILLIPSLYTLE.COM

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



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The hearing on the referenced Motion shall be heard at 11:00 a.m. on November 16, 2012 at the United States Courthouse, 445 Broadway, Albany, New York 12207.

Christian F. Hummel  
U.S. Magistrate Judge

cc (w/enc. Motion;  
via E-mail): David Stoelting, Esq.  
Kevin McGrath, Esq.  
E. Stewart Jones, Esq.  
William Dreyer, Esq.  
James Featherstonhaugh, Esq.  
Nancy McGinn