

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

CORRECTED MANDATE

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 18th day of March, two thousand and thirteen.

Before: RALPH K. WINTER,
DEBRA ANN LIVINGSTON,
Circuit Judges,
JED S. RAKOFF, *
District Judge.

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff-Appellee,

v.

LYNN A. SMITH, LAUREN T. SMITH,
GEOFFREY R. SMITH, TRUSTEE OF
THE DAVID L. AND LYNN A. SMITH IRREVOCABLE
TRUST U/A 8/04/04,

Defendants-Appellants,

JILL A. DUNN, DAVID M. WOJESKI,

Non-Party Appellants,

MCGINN, SMITH & COMPANY, INCORPORATED,
MCGINN, SMITH ADVISORS, LLC, MCGINN SMITH
CAPITAL HOLDINGS CORPORATION, FIRST ADVISORY
INCOME NOTES, LLC, FIRST EXCELSIOR INCOME NOTES, LLC,
FIRST INDEPENDENT INCOME NOTES, LLC,
THIRD ALBANY INCOME NOTES, LLC, TIMOTHY M. MCGINN,
DAVID L. SMITH, NANCY MCGINN,

Defendants.

CORRECTED JUDGMENT

Docket No. 11-3843 (L)
11-3845 (Con.)
11-3848 (Con.)
11-3851 (Con.)
11-4238 (Con.)

The appeal in the above captioned case from an order of the United States District Court for the Northern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

*The Honorable Jed S. Rakoff of the United States District Court for the Southern District of New York, sitting by designation.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the appeals of Dunn and Wojeski are DISMISSED, the sanctions against Lynn Smith are AFFIRMED, and cases are REMANDED for further proceedings in accordance with the opinion of this court.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

 

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 