

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

vs.

McGINN, SMITH & CO., INC.,
McGINN, SMITH ADVISORS, LLC,
McGINN, SMITH CAPITAL HOLDINGS CORP.,
FIRST ADVISORY INCOME NOTES, LLC,
FIRST EXCELSIOR INCOME NOTES, LLC
FIRST INDEPENDENT INCOME NOTES, LLC,
THIRD ALBANY INCOME NOTES, LLC,
TIMOTHY M. MCGINN, AND
DAVID L. SMITH,

**RELIEF DEFENDANT,
LYNN SMITH'S, INITIAL
DISCLOSURE OF
POTENTIAL WITNESSES
AND EXHIBITS**

**Civil Action No.: 1:10-CV-457
(GLS/DRH)**

Defendants, and

LYNN A. SMITH,

Relief Defendant.

PLEASE TAKE NOTICE that, at a hearing on the preliminary injunction motion of the Plaintiff, the Relief Defendant, Lynn A. Smith, by and through her attorneys, Featherstonhaugh, Wiley & Clyne, LLP, may call the following witnesses and may rely upon the following exhibits:

Potential Witnesses

Lynn A. Smith
John D'Aleo
Geoffrey Smith
Timothy R. Welles
Joseph Carr
Brian Shea
David C. McQuade

Potential Exhibits

Deposition Transcripts of Thomas J. Urbelis, Lara Mehraban, Timothy Welles, and Lynn Smith
Brokerage Accounts Statements -- 1999 to 2010, previously produced to plaintiff
Summary Chart of Brokerage Account Transactions

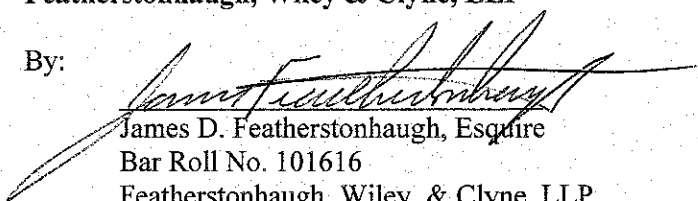
Form 1065 Schedule K-1s issued from Pine Street Capital Partners to Lynn A. Smith
Various Letters of Authorization
Promissory Note dated June 5, 2009
Copies of Checks from Timothy McGinn
Promissory Note dated October 15, 2004 by Timothy McGinn
Lynn Smith's Statement of Assets as of March 31, 2010

Relief Defendant, Lynn Smith, reserves the right to supplement this disclosure and to call such additional witnesses and to offer such additional exhibits as is necessary, depending on the proof offered at the hearing by the Plaintiff and other parties.

DATED: June 7, 2010

Featherstonhaugh, Wiley & Clyne, LLP

By:


James D. Featherstonhaugh, Esquire

Bar Roll No. 101616

Featherstonhaugh, Wiley, & Clyne, LLP

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