



**Phillips Lytle LLP**

September 11, 2013

VIA CM/ECF

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  
Verifier Capital Holdings LLC Motion

Dear Judge Hummel:

I have just filed on ECF at Docket No. 590 the Motion of William J. Brown, as Receiver, for an Order Approving Settlement with Verifier Capital Holdings LLC ("Verifier") with respect to the redemption of certain investments made by Receivership entities.

This Motion is in the nature of a material settlement. I have negotiated a beneficial settlement for the benefit of the estates with respect to the redemption of the investments for cash consideration. This Motion is being filed for approval on notice to the required parties and potential bidders 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 October 2 or 3, 2013 and approve the implementation of the marketing, auction and bidding procedures described in paragraphs 13-14 of the Motion which will be in place prior to the sale hearing for any competing offers, by So Ordering this letter. I am available to answer any questions.

Very truly yours,

Phillips Lytle LLP

By 

William J. Brown

EEEht  
Doc #01-2690667.1

ATTORNEYS AT LAW

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The hearing on the referenced Motion shall be heard at \_\_\_\_\_ a.m. on October \_\_, 2013 at the United States Courthouse, 445 Broadway, Albany, New York 12207, and the marketing, auction and bidding procedures are approved.

So Ordered:

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Hon. Christian F. Hummel  
United States Magistrate Judge

Dated: September \_\_, 2013

cc (w/enc. Motion;  
via E-mail): David Stoelting, Esq.  
Kevin McGrath, Esq.  
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