



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:

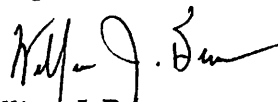
I have just filed on ECF at Docket No. 590 the Motion of William J. Brown, as Receiver, for an Order Approving Settlement with Verifier Capital Holdings LLC ("Verifier") with respect to the redemption of certain investments made by Receivership entities.

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

BEHt
Doc #01-2690667.1

ATTORNEYS AT LAW

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The hearing on the referenced Motion shall be heard at 9:00 a.m. on October 2nd 2013 at the United States Courthouse, 445 Broadway, Albany, New York 12207, and the marketing, auction and bidding procedures are approved.

So Ordered:

A handwritten signature in cursive script, appearing to read "Christian F. Hummel", written over a horizontal line.

Hon. Christian F. Hummel
United States Magistrate Judge

Dated: September 11, 2013

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