



**Phillips Lytle LLP**

October 4, 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  
Letter Motion for Partial Sealing Order

Dear Judge Hummel:

The Receiver will file his report regarding the Sacandaga property on October 11, 2013 pursuant to the Court's September 11, 2013 Order (Docket No. 592).

The report will contain confidential information which if made public would be harmful to the Estate. The confidential information will be in the form of an appraisal of the Smith Trust real property, budgets containing actual and projected income and expenses for the property, and a discussion of the Receiver's interpretation of those materials (collectively, "Confidential Information"). The Receiver intends to attach the Confidential Information as exhibits to the report allowing the report to be read by the public without the need for reference to the Confidential Information.

The Confidential Information will be made available with the report to the Securities and Exchange Commission, counsel for the Smith Trust, and the Trustee for the Smith Trust. They have each consented to my requesting and obtaining a partial sealing order for the Confidential Information as set forth above.

Accordingly, I respectfully request that the Court order that the Confidential Information be filed under seal with the Court (with copies simultaneously being made available to the SEC, counsel for the Smith Trust, and the Smith Trust Trustee) with the Receiver's report being filed without the Confidential Information on the public docket of the Court.

ATTORNEYS AT LAW

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

3400 HSBC CENTER BUFFALO, NY 14203-2887 PHONE 716 847 8400 FAX 716 852 6100 WWW.PHILLIPSLYTTLE.COM  
NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER CANADA: WATERLOO REGION

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I respectfully request that the Court so order this relief by So Ordering this letter where indicated below.

Very truly yours,

Phillips Lytle LLP

By /s/ William J. Brown

William J. Brown

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Doc #01-2711743.1

The Confidential Information (as defined above) shall be filed under seal by the Receiver with copies to be provided to the Securities and Exchange Commission, counsel for the Smith Trust, and the trustee for the Smith Trust.

So Ordered:

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Hon. Christian F. Hummel  
United States Magistrate Judge

Dated: October \_\_, 2013

cc (via E-mail): David Stoelting, Esq.  
Kevin McGrath, Esq.  
James Featherstonhaugh, Esq.