

Consent must be signed by attorney of record and signed and acknowledged by party. Type name beneath each signature

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

Case No. 1:10-CV-457

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff.

**Consent To Change  
Attorney**

-against-

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,  
LYNN A. SMITH, GEOFFREY R. SMITH, Trustee of the  
David L. and Lynn A. Smith Irrevocable Trust U/A 8/04/04,  
GEOFFREY R. SMITH, LAUREN T. SMITH AND NANCY  
MCGINN,

Defendants,

LYNN A. SMITH AND NANCY MCGINN,

Relief Defendants, and

GEOFFREY R. SMITH, Trustee of the David L. and  
Lynn A. Smith Irrevocable Trust U/A 8/04/04,

Intervenor.

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IT IS HEREBY CONSENTED THAT JAMES D. LINNAN, ESQ. OF THE LAW  
FIRM OF LINNAN & FALLON, LLP, 61 COLUMBIA STREET, ALBANY, NEW YORK  
be substituted as attorney(s) of record for the undersigned party(ies) in the above entitled action

