

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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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,  
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,

**Case No.: 1:10-CV-457**

**(GLS/CFH)**

*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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**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2013, I electronically filed a Notice of Motion for Transcript Costs; Declaration of William J. Dreyer in support of the motion; Declaration of David L. Smith in support of motion and Memorandum of Law in connection with the above captioned action with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

**TO:** David Stoelting  
Attorney for Plaintiff

SECURITIES AND EXCHANGE COMMISSION

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/s/ \_\_\_\_\_  
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