

**Phillips Lytle** LLP

VIA CM/ECF

November 12, 2013

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  
Benchmark Communications, LLC Sale Motion

Dear Judge Hummel:

I have just filed on ECF at Docket No. 628 the Motion of William J. Brown, as Receiver, for an Order Approving Purchase Agreement with Hunt Telecommunications, LLC with Respect to the Purchase of all LLC Interests of Benchmark Communications, LLC free and clear of Liens, Claims and Encumbrances.

This Motion is for the approval of the sale of the Benchmark LLC Interests. I have negotiated a beneficial sale for the benefit of the estates with respect to the sale of the LLC Interests for cash consideration and the retention of existing cash and other de minimus assets at closing. 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 November 22 at 10:30 a.m. to facilitate a November month-end closing for accounting purposes, and approve the implementation of the marketing, auction and bidding procedures described in paragraphs 12-13 of the Motion which will be in place

ATTORNEYS AT LAW

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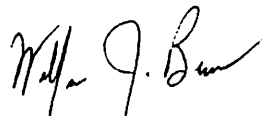
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prior to the sale hearing for any competing offers, by So Ordering this letter. I am available to answer any questions.

Very truly yours,

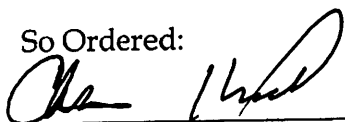
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By   
William J. Brown

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Doc #01-2728952.1

The hearing on the referenced Motion shall be heard at 10:30 a.m. on November 22<sup>nd</sup> 2013 at the United States Courthouse, 445 Broadway, Albany, New York 12207, and the marketing, auction and bidding procedures are approved.

So Ordered:



Hon. Christian F. Hummel  
United States Magistrate Judge

Dated: November 13, 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