



**DREYER BOYAJIAN LLP**  
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November 21, 2013

*Via ECF*

Honorable Christian F. Hummel  
United States Magistrate Judge  
United States District Court – NDNY  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, New York 12207

**Re: SEC v. McGinn Smith & Co., Inc., et al**  
**10-CV-457 (GLS/CFH)**  
**Motion to Pay Transcript Costs**

Dear Judge Hummel:

David L. Smith respectfully modifies his October 29, 2013 Motion to Modify the Asset Freeze to Permit the Release of Funds to Pay Criminal Trial Transcript Costs (Dkt. 620), to seek a release of \$3,600.00 instead of the \$14,000.00 originally requested. Pursuant to recent a confirmation from Mr. Stoelting and Mr. McGrath, the SEC has agreed to provide the \$14,000.00 payment for the criminal trial transcript costs, as the SEC will require the transcripts for their future motion practice.

Although Mr. Smith's need for the full transcript payment amount is now moot, the court reporter still requires a separate payment of \$3,600.00 for transcript copying fees. Accordingly, Mr. Smith modifies his motion to seek a release of \$3,600.00 from the asset freeze so that he may pay for the copying fees to obtain the trial transcripts to proceed with his appeal from his criminal convictions. This amount includes the \$2,000.00 deposit previously provided from Dreyer Boyajian LLP.

In support of this modification, Mr. Smith relies on and resubmits the legal arguments and factual assertions provided in his October 29, 2013 motion.

Respectfully submitted,

DREYER BOYAJIAN LLP

By: /s/ William J. Dreyer

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