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SHAWN T. MAY

November 22, 2013

Hon. Christian F. Hummel
James T. Foley Court House
445 Broadway
Albany, New York 12207

**Re: Securities and Exchange Commission
v. McGinn, Smith & Col, Inc., et. al.
Case No.: 1:10-CV-457**

Dear Judge Hummel:

I am in receipt of Mr. Stoelting's letter of November 21, 2013. It is obvious from the content of Mr. Stoelting's letter that any attempt to reach an amicable solution agreeable to all parties in this matter would be fruitless.

I would respectfully request that the Court either schedule a pre-motion conference with the applicable parties or, in the alternative, to issue a briefing schedule to permit the various parties an opportunity to submit appropriate legal briefs to the Court.

It is my understanding and position this was not a non-dispositive motion, but, merely an application to the Court to advise them of our intent to appropriately and legally modify a Trust Agreement.

Very truly yours,

/S/ James D. Linnan

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BAR ROLL NUMBER: 102058

JDL:phb
Enclosure
cc.: Service List