

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

No. 10-CV-457
(GLS/CFH)

McGINN, SMITH & CO, INC., et al.;

Defendants.

**CHRISTIAN F. HUMMEL
U.S. MAGISTRATE JUDGE**

ORDER

By letter motion dated November 18, 2013, the attorney for the Trustees of the David L. and Lynn A. Smith Irrevocable Trust seeks Court permission to amend the trust. Dkt. No. 635. By letter dated November 21, 2013, plaintiff raised a number of objections to that request. Dkt. No. 644. A telephone conference was conducted on December 13, 2013. As directed during that conference and for the reasons stated at that time, it is hereby

ORDERED that:

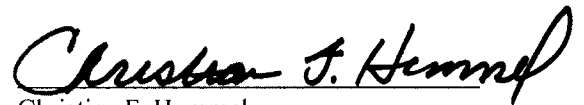
1. The letter motion of the Trustees of the David L. and Lynn A. Smith Irrevocable Trust seeking permission to amend the trust is **GRANTED** to the limited extent that Trustees shall file their motion by January 3, 2014. Dkt. No. 635. The attorney for defendant Lynn A. Smith shall file any papers regarding that motion by January 3, 2014. Plaintiff and the Receiver shall file any answering papers by January 17, 2014. Reply papers shall be filed

by January 24, 2014;

2. A telephone conference will be conducted on January 22, 2014 at 9:30 a.m. to set a deadline for the completion of discovery and the filing of dispositive motions.

IT IS SO ORDERED

Dated: December 13, 2013
Albany, New York



Christian F. Hummel
U.S. Magistrate Judge