

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

v. :

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, :

Defendants, and :

LYNN A. SMITH :

Relief Defendant. :

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Case No. 1:10-CV-457
(GLS)(DRH)

CONSENT ORDER

IT IS ORDERED that the time for defendants David Smith and Timothy McGinn to answer or otherwise respond to the Complaint is extended to July 2, 2010.

SO ORDERED:

Dated: June 16, 2010



UNITED STATES MAGISTRATE JUDGE