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**VIA ELECTRONIC FILING**

July 9, 2014

Hon. Gary L. Sharpe  
United States District Judge  
James T. Foley United States Courthouse  
Albany, New York 12207

Re: Securities Exchange Commission v. McGinn, Smith & Co., Inc., et al.  
Case No: 1:10-CV-457 (GLS/CFH)

Dear Judge Sharpe:

This letter is in response to Plaintiff's Motion for Summary Judgment, filed on July 8, 2014. This Court previously issued an Order on July 3, 2014 which stated:

[A]ll motions by any party are to be completely filed by 4:00 p.m. on July 8, 2014. No further extensions will be permitted.

The Plaintiff's began filing their Motion at 4:05 p.m. and completed the ECF requirements at 8:37 p.m. on July 8, 2014. On information and belief and as of the time of this letter, the Plaintiffs have not served a complete copy of the Motion papers on the Defendants.

As a result, the Plaintiff's Motion for Summary Judgment has not been filed in a timely manner. Therefore, it is respectfully requested that the Court not consider the Plaintiff's Motion for Summary Judgment due to the failure to adhere to the July 3, 2014 scheduling Order.

Thank you for your consideration.

Very truly yours,

**Featherstonhaugh, Wiley & Clyne, LLP**

A handwritten signature in black ink that reads 'James D. Featherstonhaugh'. The signature is written in a cursive style with a long, sweeping underline.

James D. Featherstonhaugh

JDF:jsm

cc: David Stoelting  
Kevin McGrath  
James D. Linnan  
E. Stewart Jones, Jr.  
William Dreyer  
William Brown  
Nancy McGinn