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July 9, 2014

Via ECF

The Honorable Gary L. Sharpe
Chief United States District Judge
James T. Foley U.S. Courthouse
445 Broadway, Room 112
Albany, New York 12207

Re: *SEC v. McGinn Smith & Co., et al.*
Case No.: 1:10-cv-00457-GLS-CFH

Dear Mr. Judge Sharpe:

On behalf of David L. Smith, we join in the motions made by Lynn Smith's counsel and Geoffrey and Lauren Smith's counsel (Dkt Nos. 765, 766) in respectfully requesting that the Court not consider the Plaintiff's Motion for Summary Judgment due to the untimely filing and service on defendants. Thank you for your consideration.

Respectfully,

DREYER BOYAJIAN LLP

By: /s/

William J. Dreyer

cc: Service List
 Via ECF

WJD\Smidav-11004 [SEC matter]\SJ Motion\Letter Motion re SEC MSJ late filing - 2014-7-9.doc