

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

*Plaintiff,*

vs.

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,  
LYNN A. SMITH, GEOFFREY R. SMITH, Trustee  
of the David L. and Lynn A. Smith Irrevocable Trust  
U/A 8/04/04, GEOFFREY R. SMITH, LAUREN  
T. SMITH, and NANCY McGINN,

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

*Defendants,*

LYNN A. SMITH and NANCY McGINN,

*Relief Defendants, and*

GEOFFREY R. SMITH, Trustee of the David L.  
and Lynn A. Smith Irrevocable Trust U/A 8/04/04,

*Intervenor.*

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**CERTIFICATE OF SERVICE**

I, hereby certify that on AUGUST 27, 2014, I filed a **REPLY TO PLAINTIFF'S  
OPPOSITION TO DEFENDANT, GEOFFREY R. SMITH, TRUSTEE OF THE DAVID  
L. AND LYNN A. SMITH IRREVOCABLE TRUST U/A 8/04/04, DEFENDANT,  
GEOFFREY R. SMITH AND DEFENDANT, LAUREN T. SMITH'S MOTION FOR**

**SUMMARY JUDGMENT** and served a copy of such by CM/ECF and electronic mail to the following:

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Dated: August 27, 2014

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By           /s/ James D. Linnan            
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