

**Federal Rules of Appellate Procedure Form 1. Notice of Appeal to a Court of Appeals
From a Judgment or Order of a District Court.**

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

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

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

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 08/04/04, and
U.S. ATTORNEY'S OFFICE FOR
NDNY,**

Intervenors.

**Notice of Appeal
1:10-CV-457
(GLS/CFH)**

NOTICE is hereby given that defendant David L. Smith, in the above-named case, hereby appeals to the United States Court of Appeals for the Second Circuit from the Memorandum-Decision and Orders dated March 30, 2015 (Docket Nos. 807 and 816) of the Hon. Gary L. Sharpe, granting plaintiff's motion for summary judgment on plaintiff's First, Second, Third, Fourth, and Sixth Causes of Action, and requests for disgorgement of profits in the amount of \$87,433,218 and prejudgment interest in the amount of \$11,668,132.

Dated: April ____, 2015

Respectfully submitted,

DREYER BOYAJIAN LLP

/s/

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