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February 11, 2016

Hon. Gary L. Sharpe
United States District Court
Northern District of New York
James T. Foley Courthouse
445 Broadway
Albany, NY 12207

Re: Securities and Exchange Commission v. McGinn, Smith & Co., Inc., *et al.*,
Case No. 1:10-CV-457 (GLS/CFH)
Letter Motion for Extension of Time to Serve Response

Dear Judge Sharpe:

On behalf of Stephen Fowler, a creditor herein, we respectfully request an extension of time to serve (i) Mr. Fowler's objection (the "Objection") to the Receiver's motion to approve the distribution plan [Dkt. No. 847] and (ii) the supporting declaration (the "Declaration").

Mr. Fowler will timely file the Objection and Declaration by the deadline of February 16, 2016. However, the assertions and arguments made in the Objection and Declaration are based on information that is confidential, pursuant to a confidentiality agreement between Mr. Fowler and a third party.

Therefore, the Objection and Declaration are being filed pursuant to a motion to file such documents under seal (the "Motion to File Under Seal"). Further, in order to maintain compliance with the confidentiality agreement, the Motion to File Under Seal requests the Court to provide instruction on how to satisfy the service requirements for the Objection and the Declaration.

The Motion to File Under Seal will be served on the parties without the underlying documents. We request an extension of time to serve the Objection and Declaration within two (2) business days after the Court's ruling on Motion to File Under Seal with instruction how to serve such documents.

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Hon. Gary L. Sharpe

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Respectfully,



Sheldon L. Solow

The deadline to serve responses to the Receiver's motion to approve the distribution plan [Dkt. No. 847] is hereby extended for the Objection and Declaration (as defined above). The Objection and Declaration must be served within two (2) business days after the Court's ruling on the Motion to File Under Seal.

So Ordered:

Gary L. Sharpe
United States District Judge

Dated February __, 2016

SLS/ean

cc: Service List via ECF