

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION :

*Plaintiff,* :

v. :

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, GEOFFREY R. SMITH, Individually and :  
as Trustee of the David L. and Lynn A. Smith :  
Irrevocable Trust U/A 8/04/04, :  
LAUREN T. SMITH, and NANCY MCGINN, :

CASE NO. 1:10-CV-457  
(GLS/CPH)

*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.* :

**NOTICE OF APPEARANCE AND DEMAND FOR NOTICES**

**PLEASE TAKE NOTICE** that the following interested parties making up certain of the McGinn Smith & Company, Inc. investors, who obtained recovery from a certain third party<sup>1</sup>,

<sup>1</sup> The details of the recovery obtained by the investors identified herein are subject to a confidentiality agreement. As such, a separate motion to file certain details of the third party suit under seal will be filed with the Court.

hereby appear in the above-captioned action, and that the undersigned has been retained as attorneys for said interested parties.

Last Name	First Name
Barley	Judith
Berg	Corinne
Bove	Richard
Broast	Ronald & Linda
Coffin	Bruce
Conn	Judith
Connell	Kathleen
Courey	Kenneth M.
Crist	Henry
Dale	Mary
Delaney	John & Eleanor
Fair	Catherine
Gallo	Robert & Maureen
Ferrero	William C.
Gavin	George & Nancy
Glasgow	Katherine
Goodhart	John
Jones	Jeremy
Keddie	Phyllis
Kornberg	Arthur
Lex	Kathleen C. & William F.
Lex	George
Macfarlan	M. Reid & Nancy
Mayberry	Joseph & Mary
Monahan	Barbara
Moser	Janet
O'Brien	Maryann
Ockrymiek	Douglas
O'Shea	Ann
Paist, III	Stanley S.
Pavlishin	Paul & Dolores
Pirnat	Marilyn
Plado	Quintin
Rissinger	Fred & Carol
Rosenberry	Betty
Rotor	Marilyn
Seigford	William & Patricia

Smith	Arthur & Nancy
Stiles	Burton Richard
Sullivan	Linda
Tomas	Ruth
Tovar	Alison
Wargo	Monsignor Robert
Wetzel	John

**TAKE FURTHER NOTICE**, that the undersigned hereby respectfully demands that the name and address set forth herein be added to the ECF mailing matrix in this case.

Dated: February 16, 2016

WEIR & PARTNERS LLP  
A Pennsylvania Limited Liability Partnership

By:     /s/ Bonnie R. Golub      
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*Counsel for Interested Parties*

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*Co-Counsel for Interested Parties*

WEIR & PARTNERS LLP  
A Pennsylvania Limited Liability Partnership

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*Co-Counsel for Interested Parties*