

UNITED STATES DISTRICT COURT
SOUTHERN 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, :
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/CFH)

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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ORDER

WHEREAS, investor Stephen Fowler filed a Motion to File Under Seal, seeking leave to file under seal (i) his objection (the "Objection") to *Motion of William J. Brown, as Receiver, for an Order (I) Approving Plan of Distribution of Estate Assets and (II) Authorizing Interim Distributions* [Dkt. No. 847] and (ii) his accompanying declaration (the "Declaration"),

NOW, THEREFORE:

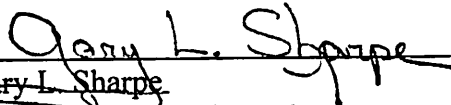
IT IS ORDERED, that the Motion to File Under Seal is granted; and

IT IS FURTHER ORDERED, that Mr. Fowler shall serve an unredacted version of the Objection and Declaration on all parties; and

IT IS FURTHER ORDERED, that the recipients of the Objection and Declaration must keep the information contained therein confidential and may use such information solely in connection with this case.

SO ORDERED:

Dated: February 16, 2016
Albany, New York



Gary L. Sharpe
United States District Judge