

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. :

ORDER

Upon the February 18, 2016 Application to File Under Seal submitted by the Third Party Recovery Investors, it is hereby:

ORDERED that the Application to File Under Seal is granted;

IT IS FURTHER ORDERED that the Third Party Recovery Investors shall serve unredacted versions of the Declaration of Bruce P. Coffin; the Supplemental Declaration of


Bonnie R. Golub; and related documentation on all parties, to supplement the filed Objection to the Receiver's Motion to approve the proposed plan of distribution (Doc. #862); and

IT IS FURTHER ORDERED that the parties shall maintain the confidentiality of the information and documents filed under seal.

SO ORDERED:

Dated: February 23, 2016
Albany, New York





Hon. Gary L. Sharpe
United States District Judge