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March 15, 2016

VIA ELECTRONIC FILING

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

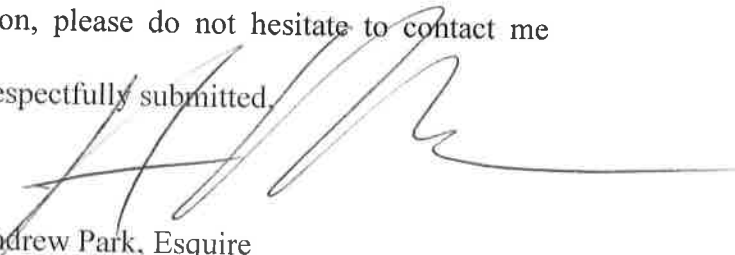
Re: S.E.C. v. McGinn, Smith & Co., Inc., et al.
No. 1:10-CV-457 (GLS/CFH)
Letter Motion to Join Stephen Fowler's Motion to File Sur-Reply

Dear Judge Sharpe:

On behalf of the objecting Third Party Recovery Investors [*see* Doc. #862], I write in response to fellow McGinn Smith investor Stephen Fowler's Motion for Leave to File a Sur-Reply in Opposition to the Receiver's Motion to Approve the Plan of Distribution, filed with the Court on March 14, 2016 [Doc. #888]. For the same reasons set forth in Mr. Fowler's Motion, the Third Party Recovery Investors join Mr. Fowler's request and respectfully seek leave to file a sur-reply in opposition to the Receiver's Motion to Approve the Plan of Distribution.

If your Honor requires any further information, please do not hesitate to contact me directly.

Respectfully submitted,


Andrew Park, Esquire
pro hac vice (bar roll #107347)

AP/iam

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

v. :

MCGINN, SMITH & CO., INC., et al., :

Defendants :

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

CERTIFICATE OF SERVICE

I, Andrew Park, being at all times over 18 years of age, hereby certify that on this 15th day of March, 2016, a true and correct copy of the Third Party Recovery Investors' Letter Motion to Join Stephen Fowler's Motion to File Sur-Reply was served by e-mail upon all parties who receive electronic notice in this case pursuant to the Court's ECF filing system, as follows:

- **William J. Brown** wbrown@phillipslytle.com; khatch@phillipslytle.com
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- **Kevin Laurilliard, Esquire** laurilliard@mltw.com

And, I hereby certify that on this 15th day of March, 2016, I mailed, via First Class Mail using the United States Postal Service, a copy of the Third Party Recovery Investors' Letter Motion to Join Stephen Fowler's Motion to File Sur-Reply to the individuals listed below.

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