

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)

**MOTION OF CERTAIN MCGINN SMITH INVESTORS,  
RONALD BROAST AND LINDA BROAST, TO WITHDRAW FROM THE OBJECTION  
TO THE RECEIVER’S MOTION AND PLAN OF DISTRIBUTION (DOC. #862)**

Certain McGinn Smith & Company Investors, Ronald Broast and Linda Broast, hereby move to withdraw from the Objection to the Receiver’s Motion to Approve Plan of Distribution and Interim Distributions (Doc. #862). The basis for this requested relief is as follows:

1. On December 30, 2015, the Receiver for the McGinn Smith & Company (“McGinn Smith”) estate filed a Motion for Order Approving Plan of Distribution of Estate Assets and Authorizing Interim Distributions (Doc. #847).

2. On February 16, 2016 certain McGinn Smith investors, including Ronald Broast and Linda Broast, filed their Objection (the “Objection”) to the Receiver’s Motion to Approve Plan of Distribution (Doc. #862). These investors have also been collectively referred to as the “Third Party Recovery Investors.”

3. Ronald Broast and Linda Broast now desire to withdraw from the Third Party Recovery Investors’ Objection (Doc. #862), only as to their own interests and claims against the McGinn Smith estate.

WHEREFORE, Ronald Broast and Linda Broast respectfully request that the Court enter an Order withdrawing them from the Third Party Recovery Investor's Objection (Doc. #862), and that such withdrawal be limited solely to their own interests and claims against the McGinn Smith Estate.

Respectfully submitted:

WEIR & PARTNERS LLP

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Dated: March 16, 2016

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**ORDER**

Upon the March 16, 2016, Motion of Certain McGinn Smith Investors, Ronald Broast and Linda Broast, to Withdraw from the Objection to the Receiver’s Motion and Plan of Distribution (the “Motion to Withdraw”), it is hereby:

ORDERED that the Motion to Withdraw is granted;

IT IS FURTHER ORDERED that the Objection (the “Objection”) to the Receiver’s Motion and Plan of Distribution (Doc. #862) is withdrawn solely as to Ronald Broast and Linda Broast.

SO ORDERED:

Dated: March \_\_, 2016  
Albany, New York

\_\_\_\_\_  
Hon. Gary L. Sharpe  
United States District Judge

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**CERTIFICATE OF SERVICE**

I, Andrew Park, being at all times over 18 years of age, hereby certify that on this 16<sup>th</sup> day of March, 2016, a true and correct copy of Motion of Certain McGinn Smith Investors, Ronald Broast and Linda Broast, to Withdraw from the Objection to the Receiver’s Motion and Plan of Distribution 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:

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And, I hereby certify that on this 16<sup>th</sup> day of March, 2016, a true and correct copy of Motion of Certain McGinn Smith Investors, Ronald Broast and Linda Broast, to Withdraw from the Objection to the Receiver's Motion and Plan of Distribution, was served, via U.S. First Class Mail to the individuals listed below.

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