



UNITED STATES  
**SECURITIES AND EXCHANGE COMMISSION**

New York Regional Office  
Brookfield Place, 200 Vesey St.  
New York, NY 10281-1022

DIVISION OF  
ENFORCEMENT

David Stoelting  
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July 26, 2016

**BY ECF**

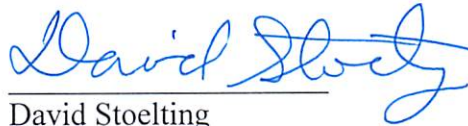
The Honorable Gary L. Sharpe  
United States District Judge  
United States District Court  
Northern District of New York  
United States Courthouse  
Albany, New York 12207

**Re: SEC v. McGinn, Smith & Co., Inc., et al., 10-cv-457 (GLS)(CFH)**

Dear Judge Sharpe:

On behalf of plaintiff Securities and Exchange Commission and Relief Defendant Lauren T. Smith, I enclose for the Court's consideration and approval a proposed *Turnover Order*, which provides for the transfer of \$8,021.60 from an account in the name of Relief Defendant Lauren T. Smith to the Receiver's account. James Linnan, counsel to Lauren T. Smith, consents to the entry of the proposed *Turnover Order*.

Respectfully submitted,

  
David Stoelting

cc (w/encl.): James Linnan, Esq. (counsel to Lauren T. Smith)  
William J. Brown, Esq. (Receiver)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**SECURITIES AND EXCHANGE COMMISSION,**

*Plaintiff,*

v.

**McGINN, SMITH & CO., INC., et al.**

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**10-cv-457 (GLS)(CFH)**

**[PROPOSED] TURNOVER ORDER**

Plaintiff Securities and Exchange Commission (the “Commission”) having moved for a Turnover Order as to funds in an account of Relief Defendant Lauren T. Smith at National Financial Services, LLC (“NFS”), and, Lauren T. Smith having consented, and it appearing that the relief sought by the Commission should be granted, it is hereby:

**ORDERED**, that the Commission’s motion for a Turnover Order is granted.

**FURTHER ORDERED**, that the Commission shall serve a copy of this Order upon Lauren T. Smith by delivery to her attorney, James D. Linnan, Linnan & Fallon, LLP by email at lawinfo@linnan-fallon.com and NFS by overnight delivery service (UPS or Express Mail) and by certified mail, return receipt requested.

**FURTHER ORDERED**, that within 14 days from receipt of this Order, NFS shall turn over to the Court-appointed Receiver, William J. Brown, Esq., the following amount:

| <b>Account Title</b> | <b>Account Number</b> | <b>Turnover Amount</b> |
|----------------------|-----------------------|------------------------|
| Lauren T. Smith      | XXXXXX2507            | \$8,021.60             |

**FURTHER ORDERED**, that NFS shall send such payment by bank check payable to “William J. Brown as Receiver for McGinn Smith Holdings, LLC,” to

William J. Brown, Esq.  
Phillips Lytle  
One Canalside  
125 Main Street  
Buffalo, NY 14203-2887

and the Receiver shall add such payment to the distribution fund to be distributed to investors pursuant to any Plan of Distribution ordered by this Court.

The payment shall be accompanied by a cover letter identifying the case title (“Securities and Exchange Commission v. McGinn Smith & Co., Inc., et. al.”), the civil action number (“No. 10-CV-0457-GLS”), the name of this Court (“United States District Court, Northern District of New York”), the name of the Relief Defendant on whose account payment is being made (“Lauren T. Smith”), and that this payment is being made on account of the Final Judgment entered against Lauren T. Smith.

NFS, shall further, at the time it makes such payment, transmit a copy of its payment and cover letter to:

David Stoelting  
Senior Trial Counsel  
Securities and Exchange Commission  
New York Regional Office  
200 Vesey Street, Room 400  
New York, NY 10281-1022.

James D. Linnan  
Linnan & Fallon, LLP  
61 Columbia Street  
Albany, New York 12210

Such information may also be provided by e-mail to [StoeltingD@sec.gov](mailto:StoeltingD@sec.gov) and to [lawinfo@linnan-fallon.com](mailto:lawinfo@linnan-fallon.com)

**FURTHER ORDERED**, that by making such payment, NFS shall be forever released and discharged from any liability with respect to such funds to Lauren T. Smith, or to any person or entity claiming a right in and to such funds derived from Lauren T. Smith, and from any liability with respect to such funds as to the Commission, and it is ,

**FURTHER ORDERED**, that upon confirmation of the aforesaid payment by NSF, counsel for the Securities and Exchange Commission, David Stoelting, shall undertake all actions necessary to cause the release of all other assets of Lauren T. Smith currently frozen by order of this Court.

Dated: \_\_\_\_\_, 2016  
Albany, NY

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UNITED STATES DISTRICT JUDGE