

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE  
COMMISSION

:  
: Case No. 1:10-CV-457  
: (GLS/CFH)  
:

*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 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,

*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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**NOTICE OF APPEARANCE**

Kindly enter my appearance as counsel on behalf of Investors Deanna M. Ayers, Garth S.

Borel, Elizabeth C. Borel, Richard L. Bove, Lynn A. Bove, James J. Burke, Kathleen A. Connell,

Sharon L. Criniti, Charles Criniti, Henry S. Crist, Mary S. Dale, Gerald Dittman, Kathy Dittman, Alice

J. Forsyth, Susan J. Forsyth, George M. Gavin, Nancy A. Gavin, Angus T. Gillis, Joanne V. Gillis, Katherine C. Glasgow, Richard L. Harnish, Cynthia Harnish, Joanne M. Judge, Paul E. Oppenheimer, Joseph J. Mayberry, Mary Alice Mayberry, Russell Mazda, John Morrison, Nancy Morrison, Ellen L. Myers, Ray M. Myers, Ilene K. Nemeth, Robert Nemeth, Paul Pavlishin, Dolores Pavlishin, Mary Wanda Peters, Cynthia Robbins, Albert K. Rogers, Ruth C. Rogers, Patricia E. Seigford, William L. Seigford, David T. Shannon, Kathleen M. Shannon, Esther D. Spurrier, David J. Spurrier, Harvey T. Starr, Susan Starr, Roy A. Sullivan, Linda M. Sullivan, Charles W. Trainor, Patricia M. Trainor, John M. Vanasek, Mary E. Vanasek, Anne H. Vossenber, and Robert J. Wargo (collectively, “Moving Investors”) in connection with the above-captioned matter.

KANG HAGGERTY & FETBROYT LLC

By: /s/ Edward T. Kang  
Edward T. Kang  
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(215) 525-5860 (fax)  
*Attorney for Moving Investors*

Dated: March 3, 2017

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**CERTIFICATE OF SERVICE**

I, Edward T. Kang, hereby certify that a true and correct copy of the foregoing Entry of Appearance has been filed electronically on March 3, 2017 and may be viewed and/or

downloaded through the ECF system maintained by the Clerk of the United States District Court for the Northern District of New York.

By: /s/ Edward T. Kang  
Edward T. Kang