

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

vs.

10 Civ. 00457 (GLS/DRH)

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,

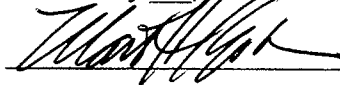
Defendants, and

LYNN A. SMITH,

Relief Defendant.
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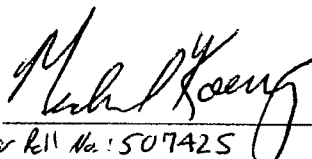
PLEASE TAKE NOTICE that GUSRAE, KAPLAN, BRUNO & NUSBAUM PLLC is hereby substituted as attorneys of record for the defendants Timothy M. McGinn and David L. Smith in the above-captioned matter in substitution for the firm GREENBERG TRAUERIG, LLP, which previously appeared as attorneys of record.

Dated: July 22, 2010



Superseding Attorneys
GUSRAE, KAPLAN, BRUNO &
NUSBAUM PLLC
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SO ORDERED

U.S.D.J.