

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION :

Plaintiff,

vs.

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

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, 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.

**NOTICE OF NINTH INTERIM
APPLICATION OF PHILLIPS LYTLE LLP AND THE
RECEIVER FOR ALLOWANCE OF COMPENSATION
AND REIMBURSEMENT OF EXPENSES**

PLEASE TAKE NOTICE that upon the Ninth Interim Application of Phillips Lytle LLP and the Receiver for Allowance of Compensation and Reimbursement of Expenses (“Application”), Phillips Lytle LLP (“Phillips Lytle”) will move before the Hon. Christian F. Hummel, United States Magistrate Judge, United States District Court for the Northern District of New York, James T. Foley - U.S. Courthouse, 445 Broadway, Albany, New York 12207-2924, on **December 21, 2017 at 9:30 a.m.**, seeking an Order to be entered approving the

Application of Phillips Lytle and the Receiver for interim compensation and reimbursement of expenses for the one-year period from July 1, 2016 through June 30, 2017 in connection with legal services performed for William J. Brown, Esq., the Receiver for the McGinn Smith Entities and the services of the Receiver. No oral argument is requested.

PLEASE TAKE FURTHER NOTICE that attached is the cover sheet for the Application, indicating the nature and dates of the services rendered by Phillips Lytle and the Receiver, as well as the total amount sought by Phillips Lytle and the Receiver for interim compensation and reimbursement of expenses. The complete Application of Phillips Lytle is filed with the United States District Court and will be available for review electronically at the Office of the Clerk, United States District Court, Northern District of New York, James T. Foley - U.S. Courthouse, 445 Broadway, Room 509, Albany, New York 12207-2924 or online, at the Court's website (www.nynd.uscourts.gov), or at the website of the Receiver (www.mcginnsmithreceiver.com). Copies can also be obtained upon written request to Phillips Lytle.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Application must be made in writing in accordance with the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Northern District of New York.

Dated: November 7, 2017

PHILLIPS LYTLE LLP

By /s/ William J. Brown

William J. Brown (Bar Roll #601330)

Attorneys for Receiver

Omni Plaza

30 South Pearl Street

Albany, New York 12207

Telephone No. (518) 472-1224

and

One Canalside
125 Main Street
Buffalo, New York 14203
Telephone No.: (716) 847-8400

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Defendants, :

LYNN A. SMITH and :
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Relief Defendants. and :

GEOFFREY R. SMITH, Trustee of the :
David L. and Lynn A. Smith Irrevocable :
Trust U/A 8/04/04, :

Intervenor. :

**FACE SHEET PURSUANT TO LOCAL RULE 2016-1
FOR NINTH INTERIM APPLICATION BY ATTORNEYS
FOR RECEIVER AND THE RECEIVER FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

APPLICANT'S NAME: Phillips Lytle LLP and William J. Brown, as
Receiver

APPLICANT'S ADDRESS: Omni Plaza
30 South Pearl Street
Albany, New York 12207

DATE APPLICANT APPOINTED: April 20, 2010

NATURE OF SERVICES RENDERED: Legal services rendered for William J. Brown, Receiver, with respect to McGinn, Smith & Co., Inc., et al. and for Receiver services and expenses for the period from July 1, 2016 through June 30, 2017

AMOUNT OF COMPENSATION SOUGHT FOR FEES FROM JULY 1, 2016 THROUGH JUNE 30, 2017 \$95,281.27 (including Phillips Lytle and Receiver's fees at pre-arranged discounted hourly rates) at 7.5% for Phillips Lytle and \$225 rather than \$470 and \$480 per hour for the Receiver

AMOUNT OF COMPENSATION SOUGHT FOR EXPENSES FROM JULY 1, 2016 THROUGH JUNE 30, 2017 \$2,058.27

Dated: November 7, 2017

PHILLIPS LYTLE LLP

By /s/ William J. Brown
William J. Brown (Bar Roll #601330)
Attorneys for the Receiver
Omni Plaza
30 South Pearl Street
Albany, New York 12207
Telephone No. (518) 472-1224

and

One Canalside
125 Main Street
Buffalo, New York 14203
Telephone No.: (716) 847-8400

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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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**NINTH INTERIM APPLICATION OF PHILLIPS LYTLE LLP
AND THE RECEIVER FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Phillips Lytle LLP (“Phillips Lytle”) submits this application (“Fee Application”) for allowance of interim compensation and reimbursement of expenses for the one-year period from July 1, 2016 through June 30, 2017 pursuant to Section XIV of this Court’s Preliminary

Injunction Order (Docket No. 96). Attached as **Exhibit A** is the Declaration of William J. Brown, Esq. in support of the Fee Application. Phillips Lytle respectfully represents as follows:

INTRODUCTION

1. The Securities and Exchange Commission (“SEC”) commenced an action against McGinn Smith & Co., Inc., et al. in the United States District Court for the Northern District of New York on April 20, 2010 wherein William J. Brown, Esq. was appointed as temporary Receiver for certain of the defendants and other entities in the action (“Receiver”) (Docket No. 5). The SEC’s Complaint was subsequently amended (Docket No. 100 on August 3, 2011 and Docket No. 334 on June 8, 2011), and the Preliminary Injunction Order was entered on July 22, 2010 appointing William J. Brown as the permanent Receiver.

2. During the period from July 1, 2016 to June 30, 2017 (“Ninth Interim Period”), Phillips Lytle performed extensive legal services for the Receiver, and the Receiver performed extensive non-legal or quasi-legal functions, which are each more particularly described below and itemized in the detailed time and disbursement records attached as **Exhibit B**.

3. As a public service discount, the legal fees incurred in this case are being performed with a current 7.5% discount on the hourly rates of Phillips Lytle pursuant to a prior agreement with the SEC. Similarly, the Receiver’s hourly rate for this engagement is \$225 per hour rather than his 2016 and 2017 hourly rates of \$470 and \$480 per hour, respectively, again per prior agreement with the SEC.

4. As a result, legal services at full value in this Ninth Interim Period total \$78,123.00, while the amount to be paid less the 7.5% discount if this Application is approved is \$72,263.77. The Receiver’s services at full value of \$470 and \$480 per hour in this Ninth

Interim Period total \$46,770.00, while the amount to be paid if this Application is granted are \$23,017.50 at \$225 per hour. This makes the total amount sought pursuant to this Application to be \$95,281.27 in fees and \$2,058.27 in disbursements.

CASE STATUS

5. As of October 6, 2017, there is \$19,248,070 on hand in Receiver accounts, with approximately \$4,295,981 having been distributed to investors with allowed claims (not all checks having cleared). The process of issuing first distribution checks representing 10% of allowed claim amounts to investors is continuing as investors provide missing information or signed documents as requested by the Receiver. A motion to expunge duplicate paper claims has also been filed. All post-Receiver obligations are current and paid on a current basis other than the amounts sought in professional fee applications. The monies on account in the Receiver's accounts are unencumbered. When this estate was commenced in April 2010, there was \$485,491.63 on hand.

6. Currently, the investor and creditor claims bar date and the equity claims bar dates have passed following the successful administration of claims notice procedures. Judgments in favor of the SEC in its action against David L. Smith, Lynn Smith, the Smith Trust, Geoffrey Smith, Lauren Smith and Timothy McGinn were entered in June and July 2015. The Second Circuit upheld those judgments in a decision on April 18, 2016.

7. There are approximately \$124,123,595 in investor claims, some of which will be subject to objection or various grounds. If the objections are sustained, net claims appear to be in the range of \$100,506,405 subject to final Court approval. At present, it appears likely that additional collections to further increase investor recoveries are possible, although they remain subject to negotiations and contingencies.

8. A Plan of Distribution was filed on December 30, 2015 (Docket No. 847), and a Memorandum-Decision and Order approving the Plan of Distribution was entered on October 31, 2016 (Docket No. 904).

9. The SEC's Standard Fund Accounting Reports are attached to this Application as **Exhibit C**.

SUMMARY OF ACTIVITIES DURING NINTH INTERIM PERIOD

10. While the legal, non-legal and quasi-legal functions and services performed during the Ninth Interim Period are described in greater detail below and in the detailed time and disbursement records attached as Exhibit B, this executive summary is provided to highlight some of the activities and accomplishments during this period.

11. From a cash perspective, the beginning balance of the Receiver's accounts as of July 1, 2016 totaled \$21,745,367, and at the end of the period (June 30, 2017), the balance was \$21,350,921. The successful sales of various businesses previously operated by the Receiver took place in prior periods. Interest income contributed to the maintenance of account values and to pay operating expenses of the Receivership in this period.

12. Activities during this time included the satisfaction of the Lauren Smith judgment by payment of \$8,021.60, which monies were placed into a Receiver account for eventual distribution to investors. The total judgment against Lauren Smith was \$83,000, and that amount was reduced by \$75,000 due to an offset for the Receiver's sale of the Sacandaga Lake property, the proceeds of which are already deposited into a Receiver's account for eventual distribution pursuant to the proposed Plan of Distribution.

13. On October 31, 2016, the District Court approved the Receiver's Plan of Distribution and overruled all objections. Following the Plan approval Order becoming a Final

Order, the Receiver notified investors that they would receive by mid-January 2017 (i) an explanatory letter from the Receiver, (ii) an Investor Questionnaire, and (iii) an appropriate tax information form which, in the case of most investors, will be IRS Form W-9. On January 25, 2017, the Receiver posted to the Receiver's website detailed instructions for completing and returning the Investor Questionnaires and W-9's. In early February 2017, the printing and mailing house completed coding, printing and mailing of individualized Investor Questionnaires for each investment owned by an investor which included investor names, investments and amounts thereof as well as a claim number, which were mailed to investors following the receipt of a substantial number of address changes which were processed and added to the claims database. Investors had to complete an Investor Questionnaire (under penalty of perjury) and tax form for each investment, and in doing so, provide contact information, IRA custodial information and collateral recovery information, if applicable.

14. In March 2017, the Receiver updated investors as to the receipt of completed Investor Questionnaires and the process to review them. The Receiver's staff spent considerable time logging Investor Questionnaires for each investment and managing that information on an internal claims database. On May 2, 2017, the Receiver began filing with the Court Payment Schedules of First Investor Distributions notifying investors as to which claims (by claim number) had been allowed and were ready for payment. See Docket No. 919.

15. On July 19, 2017, pursuant to prior Court Order, the Receiver filed a Third Written Status Report of the Receiver, a copy of which was posted to the Receiver's website.

16. In August 2017, checks began to be mailed to investors following the District Court's Order on August 9, 2017 (Docket No. 929) authorizing the issuance of checks to investors without further Court Order.

17. On September 21, 2017, the Receiver filed a motion to disallow duplicate paper claims of investors, since investors with allowed claims who agreed with the claims granted to them by the Receiver in 2012 did not need to file paper claims. The Receiver filed the motion in order to assure that only one claim for each investment was allowed and paid. Subsequently, the Receiver has been receiving and processing letters from those investors withdrawing duplicate paper claims, and, thus, allowing those claims to be processed and paid.

18. As of October 8, 2017, approximately 1,090 first distribution checks for \$4,295,981 have been issued to investors, or IRA custodians on behalf of investors. The checks represent 10% of allowed claim amounts, and that process is continuing as investors provide additional missing information or signed documents as requested by the Receiver. As stated previously on the Receiver's website (www.mcginnsmithreceiver.com), it is estimated that total distributions to investors with allowed claims will range between approximately 13.5 to 21.7 percent.

19. Investors who received collateral recoveries are now having their claim files reviewed for eligibility for first distribution payments. A motion to object to certain previously disputed claims is beginning to be prepared.

20. Oral argument was held on August 15, 2017 in the appeal of the SEC's administrative action against certain former McGinn Smith brokers. The Commission's decision is awaited.

21. As is true in all periods, the Receiver continued to deal with various day-to-day issues involving the operation of the estate, the review, calculation and allowance of investor claims, responding to numerous investor claims and questions, and the collection of remaining assets including CMS.

COMPENSATION FOR LEGAL SERVICES

22. The legal services rendered by Phillips Lytle during the Ninth Interim Period have been categorized into twenty-two (23) separate categories (Categories A through W), as described below:

A. Asset Analysis and Recovery

No services were charged to or rendered by Phillips Lytle in Category A during the Ninth Interim Period.

B. Claims Administration and Objections

Category B relates to numerous and continuous communications with multiple investors respecting issues involving their specific claims; preparation and causing mailing of investor letters, Investor Questionnaires and W-9 forms to investors; receipt and cataloging of returned Investor Questionnaire packets; ongoing review of received Investor Questionnaires for approval process; extensive research regarding basis to object to investor claims and procedure therefor; preparation and filing of First, Second and Third Payment Schedules of First Investor Distribution, and attending to ongoing review and updating of McGinn Smith Receiver's website.

In rendering the services in Category B, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$29,157.50, plus \$27.20 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	48.00	478.56	22,971.00
David H. Kernan	0.10	415.00	41.50
David J. Luzon	0.50	330.00	165.00

Nickolas Karavolas	18.40	325.00	5,980.00
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C. Asset Disposition

Category C relates to efforts in conjunction with the SEC relating to the sale of the Smith Saratoga home and review and revision to a proposed Consent Order.

In rendering the services in Category C, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$2,640.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	5.50	480.00	2,640.00

D. Business Operations

No services were charged to or rendered by Phillips Lytle in Category D during the Ninth Interim Period.

E. Case Administration

Category E is a “catch all” category consisting of services performed by Phillips Lytle in connection with this action and primarily consists of services performed which do not fit within one of the other 22 specific categories.

During this time period, this category consists of essentially all of the day-to-day work for the Receiver and his professionals and the handling of the legal affairs of the 82 entities which were initially placed into Receivership by this Court’s Preliminary Injunction Order (Docket No. 96). The detailed descriptions attached include communications and correspondence regarding review and discussion regarding National Financial Services, dealing with various business issues arising in the ordinary course of business, matters relating to financial statement and insurance issues, various legal inquiries and questions raised by the SEC

concerning the Receivership and SFAR reports; dealing with insurance issues and questions; work on issues regarding Timothy McGinn life insurance policy; preparation of and revisions to anticipated investor letter and Investor Questionnaires and work with mailing house regarding same; research regarding Plan objections; dealing with issues relating to 401K wind downs of Timothy McGinn and David Smith; communications with M&T Bank, First Niagara Bank, Kinderhook Bank regarding existing accounts and KeyBank regarding the opening of new accounts; extensive communications with investors on legal questions, attendance to investor phone log, and continued review and updating of McGinn Smith Receiver website.

In rendering the services in Category E, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$30,804.00, plus \$1,481.68 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	64.30	477.01	30,672.00
Karen A. Kawczynski (P)	0.80	165.00	132.00

F. Employee Benefits/Pensions

Category F relates several communications with Pension Works representatives regarding the termination/rollover of plans, John Hancock 401(k) plans including transfers, and related matters.

In rendering the services in Category F, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$473.50, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	0.90	480.00	432.00
David H. Kernan	0.10	415.00	41.50

G. Fee/Employment Applications

No reimbursement is sought at this time for services charged to or rendered by Phillips Lytle in Category G during the Ninth Interim Period.

H. Fee/Employment Objections

No services were charged to or rendered by Phillips Lytle in Category H during the Ninth Interim Period.

I. Accounting/Auditing

No services were charged to or rendered by Phillips Lytle in Category I during the Ninth Interim Period.

J. Business Analysis

No services were charged to or rendered by Phillips Lytle in Category J during the Ninth Interim Period.

K. Corporate Finance

No services were charged to or rendered by Phillips Lytle in Category K during the Ninth Interim Period.

L. Data Analysis

No services were charged to or rendered by Phillips Lytle in Category L during the Ninth Interim Period.

M. Status Reports

No services were charged to or rendered by Phillips Lytle in Category M during the Ninth Interim Period.

N. Litigation Consulting

No services were charged to or rendered by Phillips Lytle in Category N during the Ninth Interim Period.

O. Forensic Accounting

No services were charged to or rendered by Phillips Lytle in Category O during the Ninth Interim Period.

P. Tax Issues

Category P consists of services related to conversations with tax accountants for the Receivership estates concerning how to proceed with tax reviews, tax return preparation and certain financial statement issues; communications and conferences regarding Receiver distributions; multiple communications with the Department of Justice regarding IRS questions; several communications and conferences regarding the tax motion against IRS to compel resolution of Ponzi scheme priority of investors; and, a substantial amount of time in this category relates to the review and approval of a significant number of IRS and New York State tax returns, various other tax forms and dealing with tax and financial professionals on tax issues.

In rendering the services in Category P, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$8,997.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	16.50	479.52	7,912.00
Kelly E. Marks	3.50	310.00	1,085.00

Q. Valuation

No services were charged to or rendered by Phillips Lytle in Category Q during the Ninth Interim Period.

R. William J. Brown, as Receiver Function

Category R consists of services related to the function of William J. Brown, as Receiver in his capacity as Receiver. These services, per prior agreement with the SEC, are rendered at \$225 per hour. Thus, while the accrued amount would otherwise be \$46,770.00, the discounted amount to be paid is \$23,017.50. All of the Receiver's travel time is charged to this category and, thus, is at a substantially reduced rate. Travel time is also charged at one-half of the total time travelled unless work associated with these estates is being conducted at that time.

The daily time entries reveal the Receiver's almost daily involvement with the various Receiver entities identified in the various descriptions including for this Application Period frequent communications with investors to answer questions about assets recovered, the claims process, asset distributions to creditors, questions regarding SIPC coverage and related items, weekly review, processing and approval of payments to vendors and other third parties for services rendered to Receiver operating companies prior to sale of each of those companies, review and authorization of payroll, review of communications from investors and SEC regarding various and ongoing matters, travel to Albany, New York for supervision of receivership matters including Plan of Distribution issues, review of bank statements and accounts, review and deal with NFS statements and Dinosaur Securities statements; maintenance of website and updating of same, review of National Life Insurance annual reports, dealings with the various banks at which operating entities of the Receivership estates maintain accounts, the review of checks and invoices for payment on a weekly basis for those various operating

businesses, various conference and communications regarding opening of new KeyBank and Five Star Bank accounts and negotiation of interest rates, conferences with third parties regarding claims and related issues, review and deal with Mass Mutual statements, attend to weekly review of payroll requests and substantiation for same, numerous investor communications both by phone, in writing and e-mail, attending to various investor letters.

In rendering the services in Category R, the Receiver expended the time represented below at the hourly rates represented below for a total value of \$46,770.00, plus \$517.30 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	102.30	457.18	\$46,770.00 (to be billed and paid at \$23,017.50)

S. SEC vs. McGinn, Smith & Co., Inc., et al.

Category S consists of services related to legal involvement in the SEC's action against McGinn, Smith & Co., Inc. and other parties including review of pleadings, conferences regarding same, review of criminal dockets; communications and work on SEC summary judgment motion; review of Smith Trust, Lynn Smith summary judgment motions; review of broker trial docket and communications with SEC regarding same; communications with SEC regarding disgorgement and calculation of same; preparation of Declaration for SEC disgorgement motion; communications with SEC and other counsel regarding judgments and requests for stay by certain defendants; prepare for and participate in District Court status conference; review of Second Circuit docket for appeals by Smith parties and communications with SEC regarding same.

In rendering the services in Category S, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$3,819.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	8.00	473.25	3,786.00
Karen Kawczynski	0.20	165.00	33.00

T. W.J. Brown, as Receiver of McGinn Smith & Co., Inc. vs. Thomas E. Livingston

Category T consists of review and reporting of ongoing Livingston payments; review of Settlement Agreement regarding Confession of Judgment requirements; preparation of renewed Confession of Judgment and communications regarding same.

In rendering the services in Category T, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$902.00, and no disbursements:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	1.90	474.74	902.00

U. Sale of McGinn Niskayuna Property

No services were charged to or rendered by Phillips Lytle in Category U during the Ninth Interim Period.

V. Sale of Smith Vero Beach Property

No services were charged to or rendered by Phillips Lytle in Category V during the Ninth Interim Period.

W. David L. & Lynn A. Smith Irrevocable Trust

Category W consists of services related to Smith Trust Assets including communications with Geoffrey Smith regarding trust matters including disposition of Smith

Trust money and holding of same in Receiver accounts; communications regarding Lynn Smith tax returns and payment of same; and ongoing communications with Kinderhook Bank.

In rendering the services in Category W, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$1,043.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	2.20	474.09	4,417.00

X. USA vs. McGinn, Smith & Co. Inc.

No services were charged to or rendered by Phillips Lytle in Category X during the Ninth Interim Period.

Y. William J. Brown, as Receiver for Third Albany Income Notes, LLC vs. David Kennedy and Stephen I. Willis

Category Y consists of services for various matters related to asset and dealing with Messrs. Kennedy and Willis with regard to guaranty claims against each of them, communications with counsel and preparation of and revisions to Settlement Agreement and Confessions of Judgment; preparation of payment schedules and communications regarding same; review and posting of settlement payments.

In rendering the services in Category Y, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$287.00, plus \$32.09 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	0.60	478.33	287.00

REIMBURSEMENT OF EXPENSES

23. Photocopies made by Phillips Lytle are billed by Phillips Lytle at \$.10 per page, which is based upon Phillips Lytle's costs. Telefax charges are \$1.00 per page for outgoing documents, with no charge for incoming documents. Long distance telephone charges and overnight courier charges are billed at cost. Overnight courier charges are incurred only when necessary as determined by either the Receiver or Phillips Lytle. In addition, there are the usual disbursements of such items as long distance telephone charges, duplicating charges, and UPS charges for checks received and sent to Receivership businesses.

24. Phillips Lytle incurred out-of-pocket expenses for secretarial overtime in connection with this case. These amounts have been written off and no claim for reimbursement of such expenses is being sought herein.

PARTICULAR EXPENDITURES

25. During the Ninth Interim Period, substantial charges were incurred for the photocopying of investor letters, Investor Questionnaires and W-9 forms for mailing to investors in early 2017.

CONCLUSION

26. All of the services for which Phillips Lytle now seeks compensation were performed on behalf of the Receiver. No services were performed by Phillips Lytle in any capacity other than as counsel to the Receiver.

27. Phillips Lytle has provided the SEC with copies of Phillips Lytle's and the Receiver's billing statements attached as **Exhibit B**. Following its pre-filing review of this Fee Application, the SEC has notified Phillips Lytle and the Receiver the SEC has no objection to the amounts sought by Phillips Lytle or the Receiver pursuant to this Fee Application.

28. As the record in this action clearly indicates, Phillips Lytle has worked persistently and efficiently during the Ninth Interim Period to handle various issues for the Receiver, the resolution of which will, to varying degrees, enhance the fair and equitable distribution of the McGinn Smith Entities' proceeds to its creditors. This action has mandated a considerable expenditure of Phillips Lytle resources.

29. Based upon the foregoing, Phillips Lytle and the Receiver represent that they are entitled to the interim compensation and reimbursement of expenses sought herein.

30. Phillips Lytle and the Receiver believe that this Fee Application substantially complies with the substantive requirements of the guidelines for fee applications adopted by the SEC.

NOTICE

31. Notice of this Fee Application is being served on the SEC and all parties who have filed a Notice of Appearance in this action. Additionally, it has been posted on the Receiver's website (www.mcginnsmithreceiver.com) for all investors and creditors to see. Phillips Lytle and the Receiver submit that no other or further notice need be given.

WHEREFORE, Phillips Lytle and the Receiver respectfully request that this Court enter an order allowing and approving Phillips Lytle's and the Receiver's Application for (i) interim compensation in the amount of \$95,281.27, and reimbursement of expenses in the amount of \$2,058.27, for a total of \$97,339.54 for the period of July 1, 2016 through June 30, 2017; and (ii) granting such other and further relief as is just and proper.

Dated: November 7, 2017

PHILLIPS LYTLE LLP

By /s/ William J. Brown

William J. Brown (Bar Roll #601330)

Attorneys for the Receiver

Omni Plaza

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Doc #01-3072751.2

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

vs. :

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

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, 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. :

-----X

**DECLARATION OF WILLIAM J. BROWN IN SUPPORT OF NINTH INTERIM
APPLICATION OF PHILLIPS LYTLE LLP AND THE RECEIVER FOR ALLOWANCE
OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Pursuant to 28 U.S.C. §1746, William J. Brown declares, under penalty of

perjury, as follows:

1. I am a partner with the law firm of Phillips Lytle LLP (“Phillips Lytle”) and am also the Receiver (“Receiver”) appointed in this action for certain of the Defendants and other entities.

2. I make this declaration in support of the Ninth Interim Application of Phillips Lytle and of the Receiver for Allowance of Compensation and Reimbursement of Expenses (“Application”) in connection with Phillips Lytle’s representation of the Receiver in this Case and the Receiver’s services.

3. I have reviewed the Application and, to the best of my knowledge, information and belief, the facts set forth therein are true and correct.

4. The billing rates being charged by Phillips Lytle in connection with the Application are those which were customarily charged by Phillips Lytle during the time periods in question and are comparable to those charged by other firms of comparable size and experience in this geographic area for the prosecution of matters similar to this action. Pursuant to prior agreement, in my capacity as Receiver, I agreed to charge an hourly rate of \$225 rather than my 2016 and 2017 hourly rates of \$470 and \$480, respectively.

5. The compensation and reimbursement of expenses (“Interim Compensation”) for which allowance is sought by Phillips Lytle and the Receiver is reasonable and is sought for actual and necessary services rendered by Phillips Lytle and the Receiver, together with actual and necessary expenses advanced by Phillips Lytle, on behalf of the Receivership entities.

6. The Interim Compensation sought by Phillips Lytle and the Receiver is based upon the nature, the extent and the value of the services rendered. These matters are detailed more particularly in the time itemizations attached to the Application as Exhibit B.

7. Phillips Lytle and the Receiver believe they are entitled to Interim Compensation based on the considerable expenditures of Phillips Lytle and Receiver resources incurred since the onset of this action.

8. Phillips Lytle and the Receiver have no agreement directly or indirectly and no understanding exists with any other person or entity for the sharing of compensation to be received for legal or other services rendered in this action, except as such compensation may be shared by and among the attorneys of Phillips Lytle.

Phillips Lytle and the Receiver respectfully request that this Court authorize the allowance of the Interim Compensation sought pursuant to the Application.

Dated: November 7, 2017

/s/ William J. Brown

William J. Brown

Exhibit B

CATEGORY B

CLAIMS ADMINISTRATION AND OBJECTIONS



Attorneys at Law
 One Canalside
 125 Main Street
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William J. Brown, Esq.
 Phillips Lytle LLP
 One Canalside
 125 Main Street
 Buffalo, NY 14203

Invoice Number 922008
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00001
 W J Brown

Re: CLAIMS ADMINISTRATION & OBJECTIONS

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/11/16	WJB	Review e-mail from W Steinkirschner inquiry re request for update and prepare reply re Plan of Distribution, timing and availability of updates on Receiver's website	0.2
07/11/16	WJB	Telephone call from T Ferges re alleged claim of Mrs. Piernat, discussion of use of Receiver's website and possible alternatives	0.4
07/12/16	WJB	Prepare e-mail T Ferges at McCarter & English re alleged claim of Mrs. Piernat	0.1
07/14/16	WJB	Review e-mail from T Ferges re M Piernat follow-up; Check investor and equity schedule reports for identification	0.2
07/22/16	WJB	Telephone call from K Morse re alleged claim involving insurance claim against Chubb and wire transfers by McGinn Smith; Check claims list and e-mail B Shea re same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/27/16	WJB	Telephone message from M Anthony re how to take tax credit for loss and percent of distribution; Telephone call to M Anthony re same and referral to tax advisor and discussion of Plan	0.3
07/28/16	WJB	Review e-mail to KML5 from K Morse on 7/22; Reconcile with notes re prior telephone call; Prepare reply e-mail K Morse re prior call re claim and lack thereof; Prepare e-mail K Morse confirming 7/22 call	0.3
08/19/16	WJB	Consider steps necessary to update claims list in anticipation of approval of Plan and conferences with staff re same	0.3
12/28/16	WJB	DJ Rush Family Trust: Review e-mails from G Suwinski of Glaisdale Group re claim of DJ Rush Family Trust; Review claims schedule; Prepare reply re no evidence of claim	0.3
12/29/16	WJB	DJ Rush Family Trust: Review e-mail from trustee re prior communications received re nature of claim; Check equity claims list and identify claim of DJ Rush Family Trust	0.1
12/29/16	WJB	Review E Dickey Death Certificate, Will and Letters Testamentary; Prepare e-mail B Shea to change claim notification based upon legal documents received	0.2
12/29/16	WJB	DJ Rush Family Trust: Review claim as equity investment and review prior correspondence re same; Prepare reply e-mail to G Suwinski as trustee	0.3
12/29/16	WJB	DJ Rush Family Trust: Revise e-mail to G Suwinski as trustee re nature of equity claim and treatment under Plan	0.2
12/29/16	WJB	Review S Hillman Death Certificate and Letters Testamentary and amend claims records re same	0.2
12/29/16	WJB	K Morse: Review materials received from K Morse along with explanatory letter; Check claims database and equity matrix, analyze material and nature of claim and prepare reply letter re non-allowance of same	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/30/16	WJB	Review e-mail from B Shea re number of new claim registrations and prepare reply re approach to categorizing same	0.1
12/30/16	WJB	Telephone call from B Shea to discuss claims, database organization, questions re approach re address changes in claims, identification of excluded entities and review McGinn Smith Plan to identify excluded entities and forward to B Shea; Finalize list of to-do's for B Shea based upon e-mail	0.9
01/03/17	WJB	Revise draft letter K Morse re claim versus R George and treatment within McGinn Smith Plan	0.2
01/05/17	WJB	Review claim information from Glover for two claims and prepare letter re request for Letters Testamentary and Will to process change	0.3
01/06/17	WJB	Review J Hain claim and evaluate for allowance as preparation of final database	0.2
01/06/17	WJB	Review N Schneider claim for M Ford and prepare letter requesting proof of Letters Testamentary to assure status as Executor	0.2
01/06/17	WJB	Review W Howard claim including Letters Testamentary and other documents and approve same	0.2
01/06/17	WJB	Review claim of K Lex for allowance	0.1
01/06/17	WJB	F Maines: Review and approve Executor Letters Testamentary and prepare letter Hinman Howard re disagreement re claim amount and suggesting resolution by agreeing to amount as posted by Receiver	0.3
01/06/17	WJB	Reconcile statements and claims and address information and confirm claim status	0.3
01/06/17	WJB	Review claim of C Pinto and prepare letter requesting Death Certificate	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/06/17	WJB	Review claim of C Tommell and prepare letter requesting Letters Testamentary	0.1
01/06/17	WJB	Review Wright claim and amount and address change request	0.2
01/06/17	WJB	Review claim of D Winne and prepare letter requesting Letters Testamentary and Death Certificate	0.2
01/06/17	WJB	Review claim of K Lex including six paper claims and reconcile with scheduled claims and deal with administration of those claims	0.4
01/06/17	WJB	Review claims of W and K Lex and reconcile paper claims to database	0.2
01/06/17	WJB	Review claims of K Lex and L McEvoy and attempt to resolve paper claims	0.2
01/06/17	WJB	Review claim of G Lex and reconcile	0.2
01/09/17	WJB	Review claims of R Williams, as trustee; Prepare e-mail B Shea re TDM Luxury Cruise 07 re principal vs interest payments in order to respond to R Williams questions re amount of investment	0.2
01/09/17	WJB	Review and evaluate no claims held by F Keebler	0.2
01/10/17	WJB	Review status and analysis of paper filed claims and consider how to treat in Questionnaire process given that some are duplicates and some are additional claims per B Shea information	0.1
01/10/17	WJB	Telephone call from F Price re F Maines claim and agreement on claim as posted by Receiver in lieu of slight difference in paper claim filed by Maines Estate	0.2
01/10/17	WJB	Review Disputed claims filed by F Keebler as paper claim	0.1
01/10/17	WJB	Review Susquehanna Anesthesia claim to identify no claim re CMS stock	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/10/17	WJB	Review extensive list of no basis for claim review as proposed by B Shea and review claim material and decide on same as to S Campbell (.1), A Bhanadur (.1), C Manasse (.2), R McKay (.1), J Stokes (.1), S Vandry with six claims (.1), E Stuart (.1), H Smith (.1), J Jeanneret Insurance Trust (.2), C Herzog (.1), S McGowan (.1), J Manasse (.2), H Smith (.1), B Mohr (.2) and J Alaskey (.1)	1.9
01/10/17	WJB	Telephone call from Mr. Rabinowitz re C Pinto Death Certificate and claims process	0.2
01/10/17	WJB	Review paper disputed claims on W Maxwell and B Kogen	0.1
01/11/17	WJB	Conference N-K re overview of McGinn Smith claims process and responsibility for same	0.1
01/13/17	WJB	Review e-mail from B Shea on how to respond to questions re claims classification process and prepare reply re same	0.1
01/13/17	WJB	Staff conference re status of claims review and finalization for database to provide to mailing house in light of B Shea review of all claims, updates on addresses and allowance including additional address changes and Letters Testamentary; Prepare letter to T & M Stoudemeyer re appropriate legal authority	0.5
01/13/17	WJB	Prepare reply and revise e-mail B Shea re 12/31 investor questions re 24 investors and claims given review of paper filed claims and decision on disposition of same	0.2
01/20/17	WJB	Telephone call from K Riell re J Riell claim and discussion of use of trust for disposition of estate assets without probating estate, request for copy of trust to review same and prepare memo to file re discussion	0.2
01/20/17	WJB	Telephone call from B Shea re follow-up on questions re claim processing in preparation for investor letter and Questionnaire	0.2
01/20/17	WJB	Review letter from F Price re acceptance on behalf of F Maines estate of amounts as scheduled by Receiver and prepare e-mail B Shea re acceptance	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/20/17	WJB	Review Death Certificate for C Tommell received from M Mataraso and Letters Testamentary and forward to B Shea to accept claim	0.2
01/20/17	WJB	Review original Death Certificate for C Pinto estate and prepare letter C Rabinowitz returning original Death Certificate	0.2
01/21/17	WJB	Review M Ford Letters Testamentary and Death Certificate and change status; Prepare e-mail B Shea re same	0.1
01/21/17	WJB	Review materials for Shirley and E Glover re authority of B Glover to act for same	0.1
01/22/17	WJB	Review W Stauffer letter re parties responsible for Stauffer claim and prepare e-mail B Shea re same	0.1
01/23/17	WJB	Prepare e-mail W Stauffer requesting Letters Testamentary and Death Certificates in respect of 1/22 letter for change of address and claim administration	0.1
01/23/17	WJB	Review status and process for numbering claims and applying code number	0.1
01/23/17	WJB	Prepare reply B Shea re investor claims numbering and mailing	0.1
01/23/17	WJB	Deal with P Delsignore relocation and need for Death Certificate and Letters Testamentary in order to process claim	0.2
01/25/17	WJB	Review final version of claims database received from B Shea; Revise Questionnaire to deal with pending collateral recovery efforts by investors in addition to amounts actually received	0.2
01/31/17	WJB	Lastrup: Review prior correspondence on disputed nature of claim; Prepare e-mail B Shea re whether Lastrup's paid for investment	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
02/02/17	WJB	Telephone call to B Shea re review of Laustrup claims, Access database in use in claims analysis, Smith taxes and Smith Trust	0.4
02/03/17	WJB	Prepare letter to M/M Laustrup re decision to not dispute claims in McGinn Smith case following evaluation	0.2
02/11/17	WJB	Plan: Review e-mail from B Shea re W Peters claims dealing with paper claims "matched" to allowed claims and need for discussion re same; Extended telephone conference with B Shea re discussion of same, implications for overall claims database, methods to reconcile and how to handle in claims objection proceedings	0.4
02/13/17	WJB	Attention to questions dealing with claims and overall process	0.2
02/14/17	WJB	Conference DJL re dealing with claim payable to estate and how to process joint claim	0.1
02/14/17	DJL	Conference regarding estate matters	0.1
02/17/17	WJB	Telephone call from A Greenberg re how to treat payment of claim previously in IRA and no longer in qualified status; Conference with DHK re same; Telephone call to A Greenberg providing directions on how to complete Investor Questionnaire re new Trustee or Custodian	0.4
02/20/17	WJB	Telephone call from M Laakso re discussion of principal vs interest on claims allowance amounts and facts of how Ponzi scheme operates and allowance of claims in such circumstances	0.3
02/20/17	WJB	Telephone message from G Ardizzione re Fortress claim and existence of proper claim; Prepare e-mail B Shea re further analysis and direction	0.2
02/21/17	WJB	Review letter from T Horta re L Chiappone claim and extensive review of 2012 and 2017 databases and reconcile same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
02/21/17	WJB	Conference DJL re P Purcell claim and suggestion of voluntary administration to deal with claim	0.1
02/21/17	WJB	Telephone call from Janet at IRA Services on who checks will be made payable to if IRA is in custody at IRA Services and need for IRA Services to process W-9's which now informs have not been sent to investors	0.2
02/21/17	WJB	Prepare reply to T O'Connor Esq. letter re B Malmud claim; Prepare letter B Malmud with duplicate investor letter and Investor Questionnaire	0.2
02/21/17	DJL	Conference regarding claim of surviving spouse and need for voluntary administration	0.1
02/23/17	WJB	Telephone call from M Laufer requesting W-9 instructions	0.1
02/23/17	WJB	Telephone call from F DiClementi re claims for investor claims who died intestate, no trust, broker address and voluntary administration; Prepare memo to file re same	0.3
02/23/17	WJB	Telephone call from W Strawbridge re how collateral recovery will operate and review Court Memorandum of Law re same; Telephone call to W Strawbridge re collateral recovery rule reason and process and extended discussion	0.6
02/28/17	WJB	Review I Picard vs A Cohen disgorgement decision and consider applicability re claims objections in McGinn Smith case	0.2
03/02/17	WJB	Telephone call from D Thomas re communications and process with JPM to locate her IRA account and process re same	0.2
03/08/17	WJB	Review details of Coffin claim and follow-up and look for Power of Attorney	0.1
03/08/17	WJB	Review 2/23/17 T O'Connor, Esq. letter re claim of B Malmud re Investor Questionnaires; Prepare reply letter with duplicates directly to B Malmud with copy to T O'Connor	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/08/17	WJB	Review B Coffin 2/18 letter re L Butler and enclose Power of Attorney and prepare note to DJL re review of same	0.1
03/08/17	WJB	Conference with DJL re Coffin Power of Attorney issues	0.1
03/08/17	DJL	Review documents provided; Analyze issues; Confer WJB	0.3
03/09/17	WJB	Review Power of Attorney received from B Coffin and purported successor Power of Attorney; Prepare reply B Coffin re next steps	0.2
03/09/17	WJB	Review Power of Attorney for L Coffin and consider course of action in light of issues surrounding California Power of Attorney	0.2
03/09/17	WJB	Respond to questions re H Gorino and J Holleran change of address and returned mail questions and status of claim	0.2
03/13/17	WJB	Review K Courey claims and prior e-mail in preparation for call with K Courey and family	0.4
03/13/17	WJB	Telephone conference with R, K and M Courey re address, original Power of Attorney and additional questions concerning claims and distribution process	0.3
03/14/17	WJB	Prepare memo to file re telephone conference with the Courey family re claims, Investor Questionnaires, address changes and Power of Attorney assessment	0.2
03/14/17	WJB	Prepare e-mail DNG re status of database for claims	0.1
03/14/17	WJB	Conference with DNG re Access database format and finalize same, test preliminary version	0.3
03/15/17	WJB	Telephone call from J Magnavito re value of Seton Hall claims, balance and percent of debt distribution; Prepare letter J Magnavito re same since computer is not used and referral to tax advisor to discuss possible tax loss	0.3
03/15/17	WJB	Review B Shea comments on who enters data into database for claims analysis and prepare reply	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/21/17	WJB	Prepare e-mail B Shea re next steps in logging claims	0.1
03/21/17	WJB	Review database as revised and attempt sample actions	0.1
03/29/17	WJB	Conference N-K to discuss research re basis to object to claims and support for same in preparation of Memorandum in support of objection to claims	0.2
03/29/17	N-K	Confer with WJB regarding claims administration and plan distribution issues and attention to same; Research issues regarding bases to object to investor claims and confer with WJB regarding same	1.5
04/03/17	WJB	Review M Kelly, Esq. letter re estate of D Zuchero with Death Certificate and Short Certificate; Prepare reply letter re need for originals	0.2
04/03/17	WJB	Telephone call from N-K re results of research re claims objections and grounds for same	0.1
04/03/17	WJB	Review B Shea calculations on reserves and claim payouts	0.2
04/03/17	N-K	Research regarding claim objections; Telephone conference with WJB regarding research results	1.2
04/05/17	WJB	Review letter from D Kaiser, Esq. re Estate of John Holland	0.2
04/05/17	WJB	Review in detail L Coffin Butler California Power of Attorney for effectiveness issues as received from B Coffin given follow-up questions	0.2
04/05/17	WJB	L Coffin: Prepare reply e-mail B Coffin, J Crandall re status of J Crandall, L Coffin and V McVittie claims given multiple inquiries from B Coffin and explain status of claims	0.5
04/05/17	N-K	Further research on claims objections in equity and SEC receivership cases	2.2
04/06/17	N-K	Additional research on claim objections and procedures; Work on legal memorandum summarizing research	3.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/07/17	WJB	Review letters from E McKinley re address change, review Death Certificate and Affidavit of Trust; Prepare reply letter re review of same including review of claims database	0.3
04/07/17	N-K	Finalize draft legal memo and send for review	1.7
04/11/17	WJB	Review M Suprunowicz, Esq. letter re claim of D Winne, Letters Testamentary and request for change to Trustco Bank as Executor	0.2
04/11/17	WJB	Review letter and Order dismissing B Mohr from Piaker & Lyons lawsuit and no other collateral recovery being pursued	0.1
04/12/17	WJB	Review M Courey letter re multiple address changes and review Durable Power of Attorney	0.2
04/12/17	WJB	Extensive review of Power of Attorney of M Courey, prepare letter re need to execute new Power of Attorney since signature and notarization pages are not in order	0.4
04/12/17	WJB	Review K Courey Power of Attorney and approve same; Prepare reply e-mail acknowledging receipt and necessary steps	0.2
04/12/17	WJB	Review letter from P Collier re claim of M Mooney and consider evidence re same	0.3
04/13/17	WJB	Review S Kohl e-mail with questions including as to W-9 or foreign tax form, meaning of P in claim process, and claims process in general including residency question as to Hong Kong	0.2
04/13/17	WJB	Review M Manzi e-mail re interpretation and effect of P in claims process and prepare reply re general meaning of same	0.2
04/13/17	WJB	Telephone message D Syrdal re IRA questions	0.1
04/13/17	WJB	Review revised M Courey Durable Power of Attorney received from R Courey per request and approve same; Prepare reply R Courey re same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/13/17	WJB	Telephone call from D Syrdal re extensive questions re Investor Questionnaire, IRA and completion of information re same	0.3
04/13/17	WJB	Review follow-up letter from B Coffin re his mother's Investor Questionnaire and W-9 and prepare reply to confirm receipt per investor request	0.1
04/24/17	WJB	Telephone call from W Ferrero re status of claim and inquiry as to why marked as disputed and discussion re claims process	0.2
04/24/17	WJB	Prepare e-mail B Shea for reason why W Ferrero claim is disputed and review records re same	0.1
04/25/17	WJB	Review report by B Shea re W Ferrero claim and reasons for proposed disallowance	0.1
04/25/17	WJB	Review preferred investors in Pine Street conversion and email from B Shea re same; Telephone message W Ferrero to call back re same	0.3
04/25/17	WJB	Telephone call from W Ferrero re Pine Street conversions as basis for objection	0.2
04/26/17	WJB	Consider form of chart to serve as list of investor distributions for public filing and approve same	0.1
04/27/17	WJB	Review Aarons claims for allowance	0.3
04/27/17	WJB	Prepare e-mail with instructions to run list of paper claims both duplicate and disputed for analysis	0.2
04/27/17	WJB	Review claims 4101-4105, 4106, 4111, 4113-4114, 4119-4120, 4124, 4125-4126, 4127, and investigate IRA payment address with DHK	1.4
04/28/17	WJB	Review Investor Questionnaires and W-9s and claims, 4129, 4130, 4131, 4132, 4135, 4136, 4137, 4138, 4141, 4142, 4143, 4144, 4145, 4155, 4156, 4157, 4159, 4160 and 4161	1.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/28/17	WJB	Telephone call from B Shea to discuss initial claims approval list, coordination with claims data matrix, calculation of initial distribution amount and safety net for same	0.3
04/28/17	DHK	Review issue regarding satisfaction of claims by IRAs	0.1
05/01/17	WJB	Review and approve claim distributions for claims 4155, 4162, 4165, 4166, 4186 and prepare letter whether claims are IRAs, 4187 and prepare letter to complete Investor Questionnaire, 4188-4191, 4198, 4201, 4202, 4203, 4210-4214, 4215, 4220-4221, 4222-4226 and 4229-4232	1.1
05/04/17	WJB	Review 4/28 letter from B Fisher supplying B and J Fisher Death Certificates and Letters Testamentary per prior requests; Review and dictate changes to claims status	0.3
05/04/17	WJB	Conference staff re investor questions from A Handler, M Rosenberg Esq. re Penchansky claim and dealing with same	0.3
05/04/17	WJB	Telephone call to attorney M Rosenberg Penchansky claims on behalf of A Handler	0.1
05/04/17	WJB	Telephone call from M Rosenberg re A Handler claim, how to obtain password, dealing with paper claims, objection and agreement to withdraw paper claims	0.2
05/04/17	WJB	Review D Winne Death Certificate and question handwritten inserts; Telephone call to counsel for estate; Conference with HAB re handling Death Certificate with handwritten insertions under New York law	0.3
05/04/17	WJB	Prepare notes on M Rosenberg call re A Handler claim	0.1
05/04/17	WJB	Prepare memo to file re Death Certificate with handwritten names respecting D Winne; Prepare letter Town of Niskayuna Registrar for questions on authenticity of Death Certificate	0.3
05/05/17	WJB	Telephone call from L Levy and prepare reply re percentage of first distribution and claim numbers and process for retrieving same although investors were cautioned to retain investor letters with claim numbers	0.3

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Invoice Number 922008

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/05/17	WJB	Follow-up telephone voicemail message from L Levy re accusations and statements	0.1
05/05/17	WJB	Review latest L Levy e-mail re claims distribution process	0.1
05/08/17	WJB	Review Investor Questionnaires and deal with claims 4166-4186, 4238-4240, 4245-4246, 4250, 4251	0.8
05/09/17	WJB	Review and resolve Claims 4262 - 4263, 4273-4276, 4265-4271, 4272, 4277 and 4278	0.6
05/09/17	WJB	Prepare reply letter to L Levy providing claim number through investor letter and respond to accusations	0.2
05/09/17	WJB	Review M Mooney Investor Questionnaire and prepare letter requesting Death Certificate and Letters Testamentary	0.2
05/09/17	WJB	Review claims 4155-4157; Prepare letter claimant to complete two Investor Questionnaires	0.2
05/09/17	WJB	Telephone message from W Peters re Piaker & Lyons and request for explanation; Telephone call W Peters re discussion of same and effect upon collateral recoveries	0.3
05/10/17	WJB	Review, analyze and deal with treatment of claims 4279-480, 4282-4288, 6233, 4289, 4290-4291, 4292-4294, 4296-4302, 4295, 4305-4306, 4307, 4308-4314, 4315 including preparation of letter requesting Letters Testamentary, and 4316	0.9
05/11/17	WJB	Revise Notice of Second Distribution List and finalize second payment schedule notice for posting and filing with Court	0.3
05/12/17	WJB	Review C Tommell claim file and prepare letter to estate lawyer with duplicate Investor Questionnaires and W-9s	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/16/17	WJB	Deal with assessment of claims of E Howe involving RTC Trust 02 including review of B Shea e-mail to search prior analysis and locate B Shea 2012 e-mail to J Stevenson re analysis concerning this claim in preparation for assessment and answer to E Howe	0.5
05/16/17	WJB	Telephone call to E Howe re assessment of SAI, Atlantis and RTC claims having been liquidated and redeemed per account statements	0.2
05/16/17	WJB	Review W Ferrero claims folder in light of questions	0.1
05/18/17	WJB	Prepare letter to K DeLeonardis re claims administration	0.3
05/18/17	WJB	Revise reply letter to K DeLeonardis re claims distribution process	0.3
05/18/17	WJB	Revise and finalize reply letter to K DeLeonardis statements and allegations re SEC and claims distribution process	0.1
05/22/17	WJB	Review Investor Questionnaire returned from J Knesek and prepare reply re need for completed W-9	0.0
05/22/17	WJB	Telephone call from M Mataraso Esq. re estate of C Tommell re need for new executor appointment and process for withdrawal of paper claim; Prepare memo to file re same	0.2
06/01/17	WJB	Review and deal with allowance of claims 5852, 4155, 4156,4157, 5849, 5851, 5850 including preparation of letter to investor re missing information and discrepancies, 4757, 4758, 4759, 4760 and 4761	1.0
06/02/17	WJB	Review and approve claim for 6011	0.1
06/05/17	WJB	Review and deal with claim 6764, 6762, 4763, 4273-4276, 4187, 6108-6109, 4938-4947, 4948-4950, 5656-5657, 5661, 5662, 5666, 5709, 5710, 5713-5714, 5715, 5716, 4318-4388	1.3
06/05/17	WJB	Review and deal with claims 5667-5671	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/06/17	WJB	Review claims 5845-5848 including review of letter withdrawing paper claims, review claims 5402, 5403, 5404, 5405, 54-6-5407, 5416-5417; Prepare letter P&S Monte confirming withdrawal of paper claims	0.7
06/06/17	WJB	Review claims 5411-5418, 5421-5422, 5423-5425, 5426-5427, 5428-5430, 5432-5433, 5434-5437, 5440, 5441, 5443, 5444, 5447, 5448-5450, 5453, 5454, 5455-5462, 5493, 5495, 5499, 5500-5502, 5503, 5504; Prepare letter to claims 5455-5462 re paper claim issue; Prepare letter to claim 5493 re W-9	1.3
06/07/17	WJB	Review draft Third Schedule of Distributions and prepare note for filing with Court	0.1
06/07/17	WJB	Consider what is difference between paper claim listed as yes/dup and listed as no under paper claim accepted column and prepare e-mail B Shea for differentiation	0.2
06/07/17	WJB	Prepare initial exhibit of duplicate or objectionable paper claims for further drafting by N-K	0.4
06/08/17	WJB	Review B Shea e-mail reply on explanation of duplicate claims	0.1
06/08/17	WJB	Review B Shea information request re Smith family statements and prepare reply re tax analysis	0.1
06/08/17	WJB	Conference KML5 re testing duplicate marked claims to determine what is produced for claims objection	0.1
06/08/17	WJB	Review inconsistencies between dup and 'no' and discuss at length with KML5 to resolve	0.3
06/09/17	WJB	Prepare memo to file re E Czerwicz and M Donohue involvement in handling of claims; Telephone call to M Donohue	0.4
06/09/17	WJB	Prepare letter re no collateral recovery answer in Investor Questionnaires to claims nos. 6402, 4912, 6388, 6375 and requesting completion of IQ	0.1

33474 Brown, William J. as Receiver of McGinn,
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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/15/17	WJB	Work on form of objection to duplicate claims	0.1
06/16/17	WJB	Prepare materials for meeting with N-K duplicate claims objections including Plan and mark relevant provisions, claims motion and orders in McGinn case, relevant exhibits and make annotations	0.6
06/16/17	WJB	Conference N-K re necessary facts and course of action re preparation of duplicate claims objection	0.2
06/16/17	WJB	Follow-up conference with N-K re preparation of duplicate claims objection	0.3
06/16/17	N-K	Confer with WJB regarding objection to duplicative claims and attention to issues regarding same	0.3
06/19/17	N-K	Review case docket and attention to claim administration procedure; Work on motion objecting to duplicative claims	1.9
06/20/17	WJB	Review Death Certificate from J Rescott and prepare letter returning original	0.1
06/20/17	WJB	Review letter from D Kaiser, Esq. re status concerning J and A Holland; Prepare reply re no Letters Testamentary	0.1
06/21/17	N-K	Work on motion objecting to duplicative claims	2.4
06/22/17	WJB	(NO CHARGE) Review N-K email regarding list of open items on Claims Objection Motion	0.1
06/22/17	WJB	Conference staff regarding claims processing	0.1
06/22/17	WJB	Review questions on R Barley claim regarding processing for Death Certificate and Letters Testamentary	0.1
06/22/17	N-K	Work on motion objecting to claims; Prepare notice of motion; Prepare declaration in support of motion; Draft letter to investors regarding claims objection; Review and revise motion and declaration in support; Circulate draft documents to WJB for review	3.8

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/30/17	WJB	Review claim 6386, 6393-6395, 6398, 6400, 6410-6411 for claims distribution; Prepare letter for original death certificate and letters testamentary for claim 6393 and claim 6410	0.3

CURRENT FEES \$29,157.50

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Duplicating A1, 120 Page(s)	12.00
Duplicating A1, 80 Page(s)	8.00
Duplicating A1, 6 Page(s)	0.60
Duplicating A1, 16 Page(s)	1.60
Duplicating A1, 6 Page(s)	0.60
Duplicating A1, 14 Page(s)	1.40
Duplicating A1, 8 Page(s)	0.80
Duplicating A1, 22 Page(s)	2.20
CURRENT EXPENSES	27.20

TOTAL AMOUNT OF THIS INVOICE \$29,184.70

PAYMENT DUE UPON RECEIPT

CATEGORY C

ASSET DISPOSITION



Attorneys at Law
 One Canalside
 125 Main Street
 Buffalo, NY 14203-2887
 Telecopier # (716) 852-6100
 (716) 847-8400
 FED I.D. #16-0505790

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

Invoice Number 922009
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00002
 W J Brown

Re: ASSET DISPOSITION

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/22/17	WJB	Smith Saratoga Home: Analyze residence value and exemptions and e-mail D Stoelting with prior analysis and recommendations	0.4
03/24/17	WJB	Smith Saratoga Home: Review structure and financial obligations relating to home in light of Citizens Bank reduction offer; Telephone conference D Stoelting and J Graubard at SEC re approach to sale and preserving monies for Receivership estate, analysis and course of action	0.8
03/30/17	WJB	Smith Saratoga Home: Prepare draft consent order for sale of Smith Saratoga residence based upon agreements reached with Citizens Bank and Smiths re consensual sale and model order on prior orders such as Vero Beach and Sacandaga Camp sale order	1.0
03/30/17	WJB	Smith Saratoga Home: Prepare further revisions to proposed order re consensual sale of Smith home	0.2
03/30/17	WJB	Smith Saratoga Home: Prepare further revisions to Smith Saratoga home consent order based upon other orders in case and terms of prior orders	0.8

33474 Brown, William J. as Receiver of McGinn,
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November 6, 2017

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/31/17	WJB	Smith Saratoga Home: Prepare final revisions to consent order re sale and transmit same to SEC with comments	1.1
04/03/17	WJB	Smith Saratoga Residence: Locate prior e-mail from M Kornstein and prepare e-mail M Kornstein re Saratoga residence resolution	0.2
04/11/17	WJB	Smith Saratoga Residence: Prepare e-mail SEC re \$100,000 exemption amount and distribution of proposed Order; Review Order to finalize for distribution to interested parties	0.3
04/12/17	WJB	Smith Saratoga Residence: Prepare e-mail W Dreyer and M Kinum re draft sale order	0.2
04/12/17	WJB	Smith Saratoga Residence: Telephone call from M Kinum to discuss process to sell Smith Saratoga residence and forward e-mail sent to W Dreyer to him with proposed Order	0.1
04/12/17	WJB	Smith Saratoga Residence: Follow-up telephone call to M Kinum re sale of Smith residence, details and organization re same per terms of proposed Order and his need to obtain conflict waiver	0.2
04/18/17	WJB	Telephone conference with D Stoelting, J Graubard at SEC re settlement proposal terms to Smiths re sale process and exemption proceeds upon sale of Smith Saratoga residence	0.1
05/24/17	WJB	Review e-mail from D Stoelting re no response from Smith's re Saratoga property and prepare reply with Receiver position re same	0.1

CURRENT FEES

\$2,640.00

TOTAL AMOUNT OF THIS INVOICE

\$2,640.00

PAYMENT DUE UPON RECEIPT

CATEGORY E

CASE ADMINISTRATION



Attorneys at Law
 One Canalside
 125 Main Street
 Buffalo, NY 14203-2887
 Telecopier # (716) 852-6100
 (716) 847-8400
 FED I.D. #16-0505790

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

Invoice Number 922010
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00004
 W J Brown

Re: CASE ADMINISTRATION

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/11/16	WJB	Plan: Prepare list of issues and proposed process re records destruction when litigation appeals are final	0.1
07/11/16	WJB	Review Receiver website and prepare status update re Plan for posting on website	0.4
07/12/16	WJB	Review Receiver's website for accuracy of posting on status of Plan of Distribution	0.1
07/19/16	WJB	Review Subordination and Non-Disturbance Agreement received from real estate broker for new loan closing for 99 Pine Street owner and prepare revisions to same	0.6
07/19/16	WJB	Review B Shea comments on Subordination and Non-Disturbance Agreement and prepare reply re status	0.2
07/21/16	WJB	Prepare e-mail B Shea requesting confirmation of tenant estoppel facts based upon tenant estoppel received from real estate agent	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/21/16	WJB	Prepare further revisions to Subordination and Non-Disturbance Agreement requested for new lender to building; Prepare e-mail real estate agent responding re same and confirming no receipt of form of tenant estoppel letter	1.0
07/22/16	WJB	99 Pine Street: Review B Shea e-mail re leases and rent amount for inclusion into tenant estoppel requested by landlord and prepare reply	0.1
07/22/16	WJB	99 Pine Street: Send Carrow Real Estate information to B Shea for input	0.2
07/22/16	WJB	Communicate with staff on reasons for misdirected M Sabato calls re McGinn Smith and try and pin down why investors are being misdirected to other PL personnel	0.2
07/27/16	WJB	99 Pine Street: Review B Shea e-mail and text re 99 Pine Street estoppel issues, mistakes in documents and corrections	0.1
07/27/16	WJB	Telephone call to J Smith re McGinn Smith accounts at First Niagara and impact of bank sale, stability of accounts and decision to transfer accounts to KeyBank	0.2
07/28/16	WJB	Complete forms re transfer decision from FNB to KeyBank including transfer request affidavit and forward to J Smith at FNB	0.2
07/28/16	WJB	Prepare e-mail B Shea re FNB account transfer on sale of branch to Northwest and prompt alert for same	0.1
07/28/16	WJB	99 Pine Street: Review estoppel received from leasing agent	0.1
07/28/16	WJB	99 Pine Street: Revise tenant estoppel based upon B Shea corrections as requested by leasing agent for new building lender	0.8
07/29/16	WJB	Revise tenant estoppel and Subordination and Non-Disturbance Agreement and forward to real estate agent for loan closing for building owner	0.8

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/29/16	WJB	99 Pine Street: Review three e-mails and telephone conference with real estate broker for 99 Pine Street re additional tenant estoppel and Subordination and Non-Disturbance Agreement required for additional new building lender and whether form is identical to one previously used or not	0.4
08/01/16	WJB	99 Pine Street: Review, revise and finalize Tenant Estoppel for Capitalized Albany Corporation and SNDA for same including making conforming changes to same documents executed for senior lender; Forward to real estate brokers for 99 Pine Street	0.9
08/01/16	WJB	Prepare e-mail responding to T Miller on requested documents for Capitalize Albany re tenant waiver	0.1
08/01/16	WJB	Review two statements re 99 Pine Street credit and other charges; Prepare e-mail B Shea re same	0.2
08/01/16	WJB	Review floor plan for 99 Pine Street tenancy to finalize Subordination and Non-Disturbance Agreement and estoppel process for new owner and lender	0.1
08/02/16	WJB	Review e-mail from Carrow Real Estate re request for certification of insurance by 8/3 in order to assist with closing of sale of real property; Prepare reply re same and e-mail B Shea in order to obtain same	0.2
08/03/16	WJB	Review B Shea e-mail re ability to deliver Certificates of Insurance for 99 Pine Street; Review broker e-mails re same	0.1
08/05/16	WJB	Review e-mail from B Shea re new 99 Pine Street owner notice and prepare reply re approach concerning new landlord notification and prepare reply re same	0.2
08/08/16	WJB	Review e-mail from 99 Pine Street new owner re consolidating space in 99 Pine Street; Conference with B Shea re same; Prepare reply re moving arrangements	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/09/16	WJB	Review e-mail from B Shea re moving details respecting storage within 99 Pine Street; Prepare reply re office supply donations	0.1
08/18/16	WJB	107th Associates: Voicemail from H Rittberg; Prepare e-mail reply re same	0.1
08/22/16	WJB	Update website on L Smith judgment collection and revise same	0.3
08/23/16	WJB	Review e-mails from B Shea re status of storage situation at 99 Pine Street in light of ownership change; necessity to move and relocate within building and donation of unneeded office supplies to charities	0.1
08/23/16	WJB	Review e-mail from B Shea re McGinn Smith domain name and consider legal implications of non-extension and consider alternatives; Prepare e-mail B Shea re renewing same	0.2
08/24/16	WJB	Plan: Telephone call from T Dolan re Plan inquiry re claim of F Roddy; Review Plan re Seton Hall claim; Prepare e-mail B Shea re fact that inquiry has been resolved; Prepare e-mail T Dolan confirming no distribution given equity nature of claim	0.6
08/24/16	WJB	Plan: Telephone call from B Shea re T Dolan inquiry re Seton Hall potential capture and telephone call to T Dolan re possibility of same and referral to independent financial advisor	0.3
08/29/16	WJB	Review e-mail from B Shea re process for payment of 99 Pine Street rent checks in light of building ownership change, review owner notification letter; Prepare reply re implementing new owner instructions	0.1
08/29/16	WJB	Prepare revision to posting re L Smith satisfaction of judgment	0.1
09/07/16	WJB	Prepare agenda for meeting with B Shea re Receiver activities, next steps pending Plan approval, assemble Plan documents and prepare for meeting	0.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/07/16	WJB	Prepare e-mail B Shea re arranging for meeting to discuss Plan status and other matters	0.1
09/07/16	WJB	Plan: Prepare e-mail to and review e-mail from B Shea re amount of money needed to fund Plan if deposits were placed at higher interest rate with KeyBank and timing of same	0.1
09/07/16	WJB	Finalize agenda and details for 9/8 meeting with B Shea re open items and next steps	0.2
09/07/16	WJB	Plan: Review local Court and Chambers rules and study Court Orders; Prepare reply e-mail to D Stoelting re Plan status	0.3
09/08/16	WJB	Plan: Review B Shea Plan amount distribution calculations and send to B Shea for verification; Review confirmation e-mail from BHE	0.2
09/08/16	WJB	Plan: Review calculation charts re Plan distribution amounts in relation to KeyBank deposits and interest rates	0.1
09/08/16	WJB	Conference B Shea re agenda items including allowance of claims, confirmation of investor addresses, tax reporting, social security numbers and identification proof, dealing with IRA's, handling of disputed claims, check processing, check mailing, reconciling checks, uncashed checks, retention of records and destruction of records, dealing with Clifton Park site, dealing with tax issues including Smith Trust, dealing with non-cash assets and calculation of reserves	2.9
09/12/16	WJB	M&T: Telephone call to P Farrell at Wilmington Trust re M&T Bank account issues and need to have resolved re account statements	0.1
09/12/16	WJB	M&T: Review P Farrell response re M&T intentions to resolve issues and forward to B Shea	0.1
09/13/16	WJB	Plan: Consider issues of lack of response or decision re Plan from Court and next steps	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/19/16	WJB	Telephone call from D Dean re Piaker & Lyons litigation, trial date and service of Subpoena upon Receiver; Prepare notes and review docket of civil action to ascertain status and retrieve pleadings given prior understanding that litigation was subject to summary judgment motion	0.5
09/19/16	WJB	Piaker & Lyons: Accept service of Subpoena and review same	0.2
09/19/16	WJB	Piaker & Lyons: Review pleadings in action including motions for summary judgment and declarations of parties re same concerning claims and defenses and review Rule 45 concerning service of summons; Conference KJE re proposed response to summons re deficiencies and agreement on appearance date	0.9
09/20/16	WJB	Piaker & Lyons: Prepare e-mail KJE containing Subpoena with observations concerning deficiencies and request for advice re treatment of Subpoena	0.1
09/22/16	WJB	Conference KJE re approach to Piaker & Lyons Subpoena re deficiencies and constructive responsive answers	0.3
09/22/16	WJB	Prepare draft letter E Kang re Piaker & Lyons Subpoena noting deficiencies and proposing basis on which to appear	0.6
09/26/16	WJB	Piaker & Lyons: Review KJE comments to Subpoena response letter to E Kang; Finalize and send letter; Check civil action docket update including review of defendant's letter to Court re trial date	0.2
09/27/16	WJB	Piaker & Lyons: Review letter in response to Receiver's letter re deficiency on Subpoena	0.1
09/27/16	WJB	Piaker & Lyons: Prepare reply e-mail E Kang re reservation of rights and available dates for testimony	0.2
09/27/16	WJB	Piaker & Lyons: Review investor list to confirm plaintiffs are all existing investors	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/27/16	WJB	Piaker & Lyons: Revise reply to E Kang re reservation of rights and available dates for testimony	0.2
09/27/16	WJB	Piaker & Lyons: Review summary judgment decision issued by Court	0.6
09/27/16	WJB	Piaker & Lyons: Prepare e-mail with decision to B Shea with explanation	0.2
09/27/16	WJB	Review Wagoner Law Doctrine in relation to various questions	0.2
09/27/16	WJB	Piaker & Lyons: Review letter from counsel requesting adjournment of trial date	0.1
09/27/16	WJB	Piaker & Lyons: Review two letters from plaintiffs and defendants' counsel requesting adjournment of trial date given intention to file interlocutory appeal and suspension of pre-trial pleadings	0.2
09/28/16	WJB	Piaker & Lyons: Review text order adjourning trial date pending motion for interlocutory appeal	0.1
09/28/16	WJB	Piaker & Lyons: Review e-mail from plaintiffs' law firm withdrawing subpoena upon Receiver	0.1
10/01/16	WJB	Review SEC SFAR's for 7/1/13 - 6/30/14 as drafted	0.2
10/03/16	WJB	Piaker & Lyons: Review Motion for Entry of Judgment and review Motion for Judgment for Interlocutory appeal	0.4
10/05/16	K-K	Docket tentative return date of Newcomb's motion for relief in regard to the Pending Distribution Plan	0.2
11/01/16	WJB	Plan: Review Order approving Plan and prepare description for website describing approval of Plan and steps arising from same	0.4
11/14/16	K-K	Docket date Memorandum-Decision and Order becomes final and is longer subject to appeal	0.2

33474 Brown, William J. as Receiver of McGinn,
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00004 Case Administration
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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/22/16	WJB	CMS: Telephone call from W Neugroschel re failure of CMS to achieve prior understanding re refinancing and repurchase of investor obligations, financial circumstances of CMS	0.3
12/05/16	WJB	CMS: Telephone call from H Levine re CMS and H Rittberg claims and discuss in settlement conference including forwarding of financials and discuss value of claim and possible approaches in light of recent communications with CMS	0.4
12/06/16	WJB	Plan: Review Plan in light of final Order and determine how to deal with Plan in light of Court not dealing with proposed Order re approval of process	0.3
12/09/16	WJB	Plan: Work on revisions to Investor Questionnaire for Plan distribution	0.5
12/12/16	WJB	Plan: Review B Shea comments to Investor Questionnaire and incorporate changes and follow-up with B Shea re same	0.2
12/15/16	WJB	Consider form of computerized input into investor questionnaire and prepare e-mail B Shea re same	0.3
12/16/16	WJB	Prepare initial questions for investors on investor questionnaire for Plan distribution	0.1
12/20/16	WJB	Plan: Review information on printer for Plan of Distribution and e-mail B Shea re same	0.1
12/20/16	WJB	Plan: Prepare e-mail D Zenger re mailing proposal for Plan and revise same	0.2
12/20/16	WJB	Conference re spreadsheet mailing addresses and format	0.2
12/28/16	WJB	Plan: Review mailing materials and corrections to same; Review B Shea 12/17 e-mail questions on scope of investor questions on mailing and respond to same	0.3
12/28/16	WJB	Plan: Revise Investor Questionnaire based upon B Shea questionnaire responses	0.2

33474 Brown, William J. as Receiver of McGinn,
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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/28/16	WJB	Plan: Prepare e-mail to mailing house re envelope selection, envelope marking and return address to use	0.1
12/29/16	WJB	Plan: Telephone call from B Shea re information for mailing field, address, preservation of old addresses, notifications for printer and data fields	0.2
12/29/16	WJB	Plan: Review 12/28 e-mail from B Shea re postage calculations and payment alternatives	0.1
12/29/16	WJB	Plan: Telephone call from D Zenger at printing house re NCOA address change report, envelope format; Prepare e-mail B Shea re same	0.2
12/29/16	WJB	Plan: Prepare e-mail B Shea to calculate reserve amounts as if disputed claims are allowed	0.2
12/29/16	WJB	Plan: Review draft envelope design, approve and revise same; Prepare e-mail D Zenger re mailing details	0.4
12/29/16	WJB	Plan: Prepare e-mail B Shea re postal check and foreign mail pieces	0.2
12/29/16	WJB	Plan: Prepare status e-mail to SEC on Plan distribution, Investor Questionnaire, anticipated date of mailing and contents of mailing	0.2
01/05/17	WJB	Plan: Review B Shea questionable address changes and reconciliation and consider policy issues concerning same and how to proceed with registration changes given a variety of communications	0.2
01/06/17	WJB	Plan: Review envelope proofs received from printer and prepare e-mail approving same	0.2
01/07/17	WJB	Plan: Extended telephone conference with B Shea re claims database, reconciliation of certain disputed claims with additional paper claims filed not reconciling to database, analysis of formatting, treatment and course of action	0.6

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/11/17	WJB	Review B Shea draft e-mail to A Guzetti re Smith Trust statement and request for delivery of same and prepare e-mail A Guzetti re same	0.2
01/18/17	WJB	Plan: Review B Shea e-mail re pending tasks, status and process of changes to claims database for Plan distribution	0.1
01/18/17	WJB	Plan: Prepare e-mail B Shea re status of claims classification and response to questions on individualized claims and consider claims categories and abbreviations for mailing to investors and coding for database	0.7
01/19/17	WJB	Plan: Review B Shea e-mail with further questions on mailing of letter and Questionnaire to investors	0.1
01/19/17	WJB	Plan: Prepare reply e-mail to B Shea adopting proposed coding for claims by use of single letter including P for paper claims which are disputed and coordination with KML5 re same	0.2
01/19/17	WJB	Plan: Conference with KML5 re questions re claims categorization and database for finalization of investor letters and Questionnaires	0.2
01/19/17	WJB	Plan: Consider proposed answers to B Shea on direction concerning claims categorization and finalization of database for investor letter and Questionnaire	0.2
01/20/17	WJB	Piaker & Lyons: Review filing of proposed Order to enter final judgment as filed with Court and review prior status of action	0.2
01/20/17	WJB	Plan: Prepare draft letter to investors to accompany Investor Questionnaire	0.2
01/20/17	K-K	Docket last day for Receiver to submit status report	0.2
01/21/17	WJB	Plan: Review and revise response to B Shea January 20 investor claims mailing checklist and provide answers to each question in dealing with rules for process of investor questionnaire and prepare long answers to B Shea re same	0.9

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/21/17	WJB	Plan: Revise draft letter to investors accompanying investor questionnaire and cross-check case docket for proper references	0.4
01/21/17	WJB	Plan: Revise claims mailing checklist questions to B Shea	0.1
01/21/17	WJB	Plan: Review IRS form W-9 to be included in investor mailing and consider whether one page is sufficient or instructions should be included	0.1
01/21/17	WJB	Plan: Further revise investor letter to accompany questionnaire	0.1
01/21/17	WJB	Plan: Revise investor questionnaire based upon intervening questions and developments	0.4
01/22/17	WJB	Plan: Review B Shea e-mail for fields on claim status; Review database and prepare reply with instructions to B Shea on how to categorize	0.2
01/22/17	WJB	Plan: Follow-up e-mail to B Shea on so-called rogue claims and give exact details on how to treat to B Shea by e-mail	0.2
01/22/17	WJB	Plan: Prepare e-mails to B Shea re numbering of claims and adding claims number to investor letter	0.1
01/23/17	WJB	Plan: Review three e-mails from B Shea re mailing of investor letter and Questionnaire questions; Prepare e-mail KML5 re additional fields on database and dealing with mailing house questions and issues	0.2
01/23/17	WJB	Plan: Conference KML5 re outcome of communications with mailing house and D Zenger re open issues	0.1
01/25/17	WJB	Plan: Revise Questionnaire and investor letter given latest comments received from B Shea and others and finalize revisions	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/25/17	WJB	Plan: Review approved Plan of Distribution to double-check requirements pursuant to Court approval, finalize investor Questionnaire and letter	0.4
01/25/17	WJB	Plan: Prepare e-mail D Zenger with enclosures for printing and mailing by mailing house; Prepare e-mail D Stoelting, K McGrath at SEC with investor letter and questionnaire	0.2
01/25/17	WJB	Plan: Review Plan of Distribution checklist and review version of documents sent to printer and mailing house; Review questions from printer and respond to same	0.4
01/25/17	WJB	Plan: Prepare draft announcement for Receiver website on sample investor letter and Questionnaire with instructions to investors	0.3
01/26/17	WJB	Plan: Revise website description with sample investor letter and investor questionnaire with instruction to investors on how to handle and respond to investor letter and questionnaire as part of plan distribution process	0.6
01/26/17	WJB	Consider changes to website posting to watermark investor letter and questionnaire to prevent use of same by investors on a mistaken basis	0.1
01/30/17	WJB	Plan: Telephone call from IRA Services representative re their intentions concerning partial completion of W-9s for investors who hold investments in IRAs	0.2
01/30/17	WJB	Plan: Review further proofs from printer; Prepare e-mail B Shea requesting his final review; Prepare e-mail D Zenger re reduction of digits to two and forward to B Shea	0.3
01/31/17	WJB	Plan: Compare proofs of investor letters and investor questionnaires received from printer to Excel database for confirmation and deal with decimal point placement and insertion of dollar sign	0.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/31/17	WJB	Plan: Review two e-mails from printer with further questions and resolve same; Continue to review proofs versus Excel database; Prepare e-mail signing off on investor letters and questionnaire with instructions on how to resolve decimal placement and dollar signs; Revise e-mail and review all final details	1.4
01/31/17	WJB	Plan: Prepare reply e-mail D Zenger re follow-up questions re mailing	0.1
01/31/17	WJB	Plan: Review final group of envelopes (10) for proofing re investor addresses and prepare reply e-mail with questions on one address as to whether changed by US Postal Service	0.4
01/31/17	WJB	H Control: Review e-mail from J Markowitz requesting additional copies of H Control/TDM closing documents, locate same and forward to J Markowitz	0.3
02/01/17	WJB	Plan: Deal with request for extra set of investor letters and questionnaires for record keeping and notification to printing house re same	0.1
02/01/17	WJB	Plan: Review new revised proofs received from printer incorporating dollar sign and decimal point in correct place; Telephone call re approval of same	0.2
02/01/17	WJB	Review R Grillo e-mail re unnamed investor client and prepare reply re distribution and difference between claims process and distribution process and invitation for Receiver to speak to investor; Review prior e-mails with R Grillo	0.2
02/02/17	WJB	Plan: Review B Shea access database checklist and prepare reply	0.1
02/06/17	WJB	Plan: Consider situation with foreign investors concerning appropriate tax form and begin process to identify same	0.1
02/06/17	WJB	Prepare Receiver website update description re Plan and revise same; Review status received from mailing house and integrate with prior posting on website	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
02/10/17	WJB	Plan: Review Zenger Certificate of Mailing for Investor Questionnaire and W-9's and attend to filing with Court	0.2
02/10/17	WJB	Plan: Review IRS W-9 instructions in order to deal with investor questions; Prepare e-mail re same	0.2
02/10/17	WJB	Plan: Review Court docket to determine which prior docket entries to link Zenger Certificate of Mailing to and finalize filing of Certificate of Mailing	0.1
02/14/17	WJB	Plan: Review Mr. Kang letter on collateral recoveries and investor dismissals from Piaker lawsuits	0.1
02/15/17	WJB	Plan: Telephone call from B Shea re identifying SAI and other paper claims and way to reconcile same	0.3
02/16/17	WJB	Plan: Telephone call from F Chiappone re discussion of merits of collateral recovery and process for same	0.2
02/20/17	WJB	Plan: Prepare flowchart for dealing with receipt, input, review and decision-making on Investor Questionnaires and W-9 so staff can deal with and enter information into database in orderly fashion	1.3
02/21/17	WJB	Plan: Further work on flowchart for claims processing	0.2
02/22/17	WJB	Plan: Revise flowchart for dealing with Investor Questionnaires and W-9's and dealing with review of completed Questionnaires for claim administration and process re same; Forward to B Shea for review	0.7
02/22/17	WJB	Plan: Discussion with staff of organizing duplicate copies of Investor Questionnaires and letters in numerical order, reasons for same and process of using duplicates for claims folders	0.2
02/22/17	WJB	Telephone call from B Shea re 401K rollover and making D Smith, T McGinn take mandatory distributions	0.1
02/22/17	WJB	Plan: Revise flowchart in final form and send to B Shea for signoff	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
02/23/17	WJB	Review 401K status of Messrs. McGinn and Smith, required minimum distributions in materials received from plan trustee and prepare e-mail D Stoelting, K McGrath at SEC re same	0.4
02/27/17	WJB	Plan: Review B Shea comments to flowchart; Prepare notes and revisions based upon same	0.4
02/28/17	WJB	Conference with KML5 re dealing with B Shea comments to flowchart, resolution of same, final flowchart amendments and prepare reply e-mail B Shea	0.2
02/28/17	WJB	Plan: Revise e-mail to B Shea re final version of flowchart	0.1
03/02/17	WJB	Telephone J Graubard, D Stoelting re 401K Plan and winddown of same	0.3
03/03/17	WJB	Review Objection filed by Piaker & Lyons accounting firm claims to collateral recovery rule process	0.3
03/06/17	K-K	Docket hearing date on Investor motion re Paiker and Lyons	0.2
03/07/17	WJB	Review Kang Law Firm Piaker & Lyons motion to enforce Plan of Distribution	0.7
03/07/17	WJB	Telephone conference with D Stoelting and J Graubard of SEC re discussion and assessment of Piaker & Lyons motion and course of action	0.3
03/07/17	WJB	HControl: Review two e-mails from J Markowitz and prepare reply on what documents are being requested by purchaser and attempt to locate same	0.2
03/07/17	WJB	HControl: Locate agreement for buyer and forward to J Markowitz	0.3
03/09/17	WJB	Prepare and revise legal update description to website re status and post same	0.9

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/10/17	WJB	Revise reply letter to D Newcomb as filed with Court and review prior correspondence from D Newcomb; Revise same and prepare transmittal e-mail to D Newcomb	0.8
03/10/17	WJB	Plan: Conference staff re system for filing and coordinating Investor Questionnaires and filing materials	0.1
03/14/17	WJB	Review Motion by Piaker & Lyons defendants in lawsuit dealing with collateral recovery rule in McGinn Smith Plan and seeking to enforce new rule for collateral recoveries including Memorandum of Law and Declarations; Prepare reply Declaration of Receiver and Karen Ludlow in response to same	2.1
03/15/17	WJB	Prepare reply Memorandum of Law in response to Motion by Piaker Action plaintiffs	0.8
03/15/17	WJB	Cross-check Piaker & Lyons investors who have been dismissed	0.2
03/15/17	WJB	Revise Receiver Declaration re Piaker & Lyons motion	0.2
03/16/17	WJB	Continue revisions to reply Memorandum of Law, Receiver Declaration and KML Declaration in response to Piaker Action plaintiffs motion to enforce Plan of Distribution	1.9
03/17/17	WJB	Revise Memorandum of Law, two Declarations in response to Kang Law Firm motion re Piaker Action and collateral recoveries under McGinn Smith Plan; Prepare e-mail SEC with draft pleadings	1.6
03/20/17	WJB	Prepare final revisions to Memorandum of Law and two Declarations in response to Kang Law Firm motion re collateral recoveries for Piaker Action and attend to filing of same with Court following review of Local Rules for compliance	2.5
03/24/17	WJB	Prepare e-mail report to SEC on status of mailing and return of mailings with four Investor Questionnaires and W-9s and process for administration of same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/24/17	WJB	Review E Kang letter requesting permission to file reply brief and review proposed reply brief re Piaker & Lyons plaintiffs motion	0.3
03/27/17	WJB	Piaker Motion: Further review requested reply brief by Piaker plaintiffs and compare to Receiver's response and Declaration	0.2
03/27/17	WJB	Review text Order approving filing of reply brief by Kang Law Firm re Piaker and Lyons plaintiff motion	0.1
03/27/17	WJB	Review Piaker & Lyons reply brief as filed	0.2
03/27/17	WJB	Review three e-mails from P Rabinovich requesting address changes on behalf of investors; Prepare reply e-mail re authorized process for same with need for original letters from individual investors based upon long history re same	0.2
03/27/17	WJB	Prepare website update postings with explanation of Plan distribution status	0.2
03/28/17	WJB	Consider administrative expense budget, allocation of expenses and prepare e-mail B Shea re amounts necessary for administrative budget and claims reserve for disputed claims in order to begin processing distribution checks	0.3
03/28/17	WJB	Revise e-mail B Shea re Plan process and budgeting, amount of reserve for disputed claims	0.3
03/29/17	WJB	Plan: Review e-mail from B Shea with partial answers on Plan process, next steps and prepare reply	0.1
04/04/17	WJB	Plan: Review B Shea on process and reply on how to handle paper claims	0.1
04/05/17	WJB	Plan: Review paper claims and scope of District Court Order approving Plan and determine if procedural steps were approved by reference	0.2
04/05/17	WJB	NYS Dept of Taxation and Finance: Telephone call from Pamela at NYS Tax Department re status of McGinn Smith Receivership	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/06/17	WJB	Plan: Conference N-K re status of research on Plan objections	0.1
04/12/17	WJB	Plan: Telephone call from B Shea to discuss termination of 401K, timing and dealing with process for paper claims which are listed and need to be listed as duplicate, description of category of claims and course of action	0.3
04/13/17	WJB	Prepare update for website on claims process	0.2
04/21/17	WJB	Review G Smith e-mail characterizing Receiver actions concerning Smith Saratoga residence and forward to SEC for informational purposes	0.1
05/02/17	WJB	Plan: Review first payment schedule amounts and compare with Plan terms for compliance with terms of Plan as approved by Court; Prepare Notice of Filing and verify payment amounts for First Payment Schedule	1.3
05/02/17	WJB	Plan: Prepare revisions to First Distribution Chart and prepare website posting re same including e-mail to SEC with explanation	0.4
05/02/17	WJB	Plan: Revise Notice of Filing of First Distribution	0.2
05/04/17	WJB	Review Court Order denying Piaker law firm motion to treat Piaker plaintiffs in different fashion than approved under McGinn Smith distribution Plan, check cross-references in decision and post to website	0.3
05/11/17	WJB	Briefly review letter re allegations re SEC and distribution process from K DeLeonardis	0.1
05/12/17	WJB	Review E Kang letter re Receiver duties to Piaker plaintiffs and collateral recovery process and prepare initial draft reply letter	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/18/17	WJB	Prepare draft response to E Kang letter re Piaker & Lyons plaintiffs treatment under McGinn Smith Plan including review of Court Opinion in favor of Receiver in dealing with Kang Law Firm motion to compel different treatment for Piaker & Lyons plaintiffs	0.4
05/18/17	WJB	Revise reply letter E Kang re Piaker & Lyons	0.1
05/26/17	WJB	Prepare further revisions to reply letter to E Kang letter re Piaker & Lyons lawsuit	0.2
05/30/17	WJB	Prepare draft letter to H Rittberg re 107th Associates, application of stay and dealing with CMS financial	0.2
05/31/17	WJB	Review draft letter to H Rittberg re HSK Funding and 107th Associates and applicable stay for dealing with CMS, multiple revisions to same including review of background documents and send to H Rittberg	0.7
06/05/17	WJB	Piaker: Locate and review second motion for entry of final judgment filed by Plaintiffs' counsel including review of Attorney Declaration in light of one remaining plaintiff constituting grounds to allow appeal on statute of limitations dismissal	0.4
06/07/17	WJB	Prepare website update for third payment schedule and reorganize website	0.1
06/07/17	WJB	Smith Saratoga Residence: Telephone conference D Stoelting, J Graubard of SEC re facts, issues and legal analysis re Smith residence and sale of same	0.3
06/08/17	WJB	Review e-mail from B Shea re terminating msholdingsllc.com domain, review same and prepare reply directing cancellation of domain	0.2
06/27/17	WJB	Smith Saratoga residence: Review D. Stoelting request for copy of prior analysis on Smith house valuation in light of SEC consent to proceed with sale process; Locate and send prior analysis and prior proposed Order	0.2

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CURRENT FEES

\$30,804.00

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Duplicating A1, 1314 Page(s)	131.40
Postage WJB - Postage to Various (9); Re: Fee Applications	31.14
Overnight Courier WJB - UPS to Rudy R. Lynch; Re: Case Admin	27.11
Postage WJB - Postage to Various (9 pieces); Re: Fee Applications	68.30
Duplicating A1, 800 Page(s)	80.00
Duplicating A1, 2197 Page(s)	219.70
Overnight Courier WJB - UPS to Steve R. Brady (Chiampou Travis Besaw & Kershner LLP); Re: Fee Applications	22.64
Postage WJB - Postage to Various International Addresses (Stephen Fowler, Peter Cheese, Marie Goulden, Brommel Resources Ltd., Durinda Decker, Claude Penchina and Yukiko Schreiber)- Re: Case Admin	8.05
Duplicating SRN - 8,481 B&W Copies - Re: Case Administration	848.10
Duplicating A1, 10 Page(s)	1.00
Overnight Courier WJB - UPS to Brian Shea - Re: Case Admin	33.04
Postage WJB - Postage to Various (8) - Re: Case Admin	11.20

CURRENT EXPENSES

1,481.68

TOTAL AMOUNT OF THIS INVOICE

\$32,285.68

PAYMENT DUE UPON RECEIPT

CATEGORY F

EMPLOYEE BENEFITS/PENSIONS



Phillips Lytle LLP

Attorneys at Law
 One Canalside
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 (716) 847-8400
 FED I.D. #16-0505790

William J. Brown, Esq.
 Phillips Lytle LLP
 One Canalside
 125 Main Street
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Invoice Number 922011
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00005
 W J Brown

Re: EMPLOYEE BENEFITS / PENSIONS

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
02/17/17	DHK	Office conference regarding administration of self-directed 401(k) plan	0.1
04/21/17	WJB	Consider 401K termination issues, e-mail B Shea re timing of same; Review reply	0.1
04/24/17	WJB	Review 401K termination materials; Prepare e-mail A Allen to confirm rollover into IRA's and appropriate forms for same	0.5
05/18/17	WJB	Prepare reply e-mail B Shea re 401K questions and wrap-up	0.1
06/14/17	WJB	Telephone call from Pension Works personnel to discuss Form 5500 and wind down, confirmation of ordinary expenses to be charged by Pension Works	0.2
		CURRENT FEES	\$473.50
		TOTAL AMOUNT OF THIS INVOICE	\$473.50

PAYMENT DUE UPON RECEIPT

CATEGORY P

TAX ISSUES



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 FED I.D. #16-0505790

William J. Brown, Esq.
 Phillips Lytle LLP
 One Canalside
 125 Main Street
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Invoice Number 922012
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00015
 W J Brown

Re: TAX ISSUES

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/18/16	WJB	Review McGinn Smith Holdings LLC 2015 IRS and NYS tax returns including electronic signature forms and review of statements on IRS return; Attend to approval and filing	0.5
08/05/16	WJB	Review status of McGinn Smith Holdings tax appeal on late filing claim by IRS	0.1
08/08/16	WJB	Review favorable appellate outcome of decision by IRS concerning McGinn Smith Holdings and reversal of interest and penalties re late filed return due to criminal trial	0.2
10/11/16	WJB	Prepare e-mail S Brady at Chiampou re assembly of tax accounting bills	0.2
11/10/16	WJB	Prepare e-mail KEM re W-9 question concerning McGinn Smith Plan of Distribution; Telephone call to KEM re amounts to be distributed and necessary tax forms re same	0.4
11/10/16	KEM	Teleconference and email with WJB re W-9 question and research same	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/30/17	WJB	Review request from accountants for additional identify features of signatories to tax returns based upon alleged taxing authority requirements and attempt to locate same given lack of information from accounting firm	0.2
01/31/17	WJB	Review e-mail from Chiam pou Travis with purported requirement for social security number identification of tax return signer and forward to KEM for review	0.1
02/01/17	WJB	Review notice from Chaim pou re authorizing of providing social security number on e-filed NYS tax returns	0.1
02/06/17	WJB	Prepare reply e-mal to S Brady at Chiam pou re source for authority requiring signor's social security number to effect e-file filing of tax returns since Chiam pou has only provided secondary source	0.2
02/06/17	WJB	Prepare foreign investor tax letter re form to use for foreign investors	0.2
02/07/17	WJB	Revise letter to foreign investors re appropriate tax form	0.2
02/07/17	WJB	Revise letter to foreign investors re tax forms	0.1
02/07/17	WJB	Finalize foreign investor letter with IRS form 8BEN, execute letters and mail same; Prepare e-mail B Shea re same	0.3
02/08/17	WJB	Prepare e-mail KEM with W-9 question respecting investors related to Investor Questionnaire and W-9 instructions	0.1
02/08/17	KEM	Review W-9 rules re joint accounts and email WJB re same	0.2
02/24/17	WJB	Conference with KEM re how to proceed with Chiam pou re filing of tax returns in light of no definitive authority re need for SSN of signor on returns; Prepare reply e-mail to Chiam pou re how to proceed in light of same and request for test tax return	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
02/27/17	WJB	Prepare e-mail B Shea re whether he has reviewed and approved Mr. Cranberry 2016 return prior to signing and filing	0.1
02/28/17	WJB	Review Mr. Cranberry 2016 NYS and IRS tax returns and approve same; Forward e-file authorizations to accountants	0.3
03/02/17	WJB	Mr. Cranberry: Telephone call from B Shea to discuss tax return filing and timeline re interest and discussion re same	0.2
03/07/17	WJB	Review tax materials received from Chaiampou	0.1
03/07/17	WJB	Review, sign and file M&S Partners 2016 IRS and NYS tax returns	0.3
03/07/17	WJB	Review 2016 TDMM Cable Funding IRS and NYS tax returns and file same	0.4
03/07/17	WJB	Review 2016 MSFC Security Holdings LLC NYS and IRS tax returns and file same	0.4
03/07/17	WJB	Review McGinn Smith Firstline Funding 2016 IRS and NYS tax returns and file same	0.4
03/08/17	WJB	Review e-mail from Chiampou on delivery of additional tax returns, timing of filing and prepare reply	0.1
03/08/17	WJB	Review Seton Hall 2016 IRS and NYS tax returns, sign and file same	0.4
03/13/17	WJB	Review, approve, sign and file NYS Form IT-204 for McGinn Smith Alarm Trading, LLC, McGinn Smith Funding, LLC, McGinn Smith Licensing, LLC, McGinn Smith Advisors, LLC, 107th Associates, LLC, First Independent Income Notes, LLC, First Excelsior Income Notes, LLC, First Advisory Income Notes, LLC, Third Albany Income Notes, LLC, NEI Capital, LLC, Cruise Charter Ventures, IP Investors, LLC, Mr Cranberry LLC, MSFC Securities Holdings, LLC, TDM Cable Funding, LLC, TDMM Cable Funding, LCC and McGinn Smith Firstline Funding LLC and send signed copies to Chiampou Travis	1.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/13/17	WJB	Review Chiampou letter with extension of McGinn Smith Holdings LLC tax return for 2016	0.1
03/24/17	WJB	Review new tax filings requested to be signed by Receiver received from Chiampou	0.1
04/10/17	WJB	Review, approve, sign and file 2016 McGinn Smith Transaction Funding Corp. IRS and NYS tax returns	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for McGinn Smith Capital Holdings Corp.	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for Firstline Trust 07	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS automatic extension requests for McGinn, Smith & Co. Inc.	0.2
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for Firstline Sr. Trust 07	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for Firstline Trust 07 Series B	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for Firstline Sr. Trust 07 Series B	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for Fortress Trust 08	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for Integrated Excellence Jr. Trust 08	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for Integrated Excellence Sr. Trust 08	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for Pacific Trust 02	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDM Luxury Cruise Trust 07	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDM Verifier Trust 07	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDM Verifier Trust 07R	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDM Verifier Trust 08	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDM Verifier Trust 09	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDM Verifier Trust 11	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDMM Benchmark Trust 09	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDMM Cable Jr. Trust 09	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDMM Cable Sr. Trust 09	0.3
04/10/17	WJB	Review, approve, sign and file 2016 IRS and NYS tax returns for TDM Cable Trust 06	0.3
05/03/17	WJB	Prepare e-mail Chiampou re question on distribution entity to use for making of Plan payments and tax issues re same as raised by B Shea	0.2
05/03/17	WJB	Review S Brady reply re distribution entity and prepare reply re practical issues re needing one account for distribution	0.1
05/03/17	WJB	Review KEM e-mail re distribution process and S Brady response to same; Follow-up conference KEM re contractual agreement as remedy; E-mail B Shea re using KEM process and call to discuss on 5/4	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/03/17	KEM	Email and telephone conference with WJB regarding payments to investors from consolidated account	0.2
06/07/17	WJB	Review e-mail from B Shea and discuss briefly with KEM re analysis of whether income will be generated by investor distributions	0.1
06/07/17	WJB	Review situation with potential claimed income from investor distributions, analyze same and prepare e-mail KEM for assistance and analysis	0.3
06/07/17	WJB	Discuss investor claim distribution tax issue as perceived by Shea and discuss way to resolve same and information needed from B Shea and accountants	0.2
06/07/17	KEM	Teleconference with WJB re COD income issues, review email from B Shea re same and email B Shea re same	0.6
06/09/17	WJB	Review KEM, B Shea e-mails re allocation of losses and income; Prepare e-mail responding to same that not all entities are included	0.1
06/15/17	WJB	Provide response to KEM on how recoveries are to be paid pro rata on a substantive consolidation basis to investors	0.2
06/15/17	KEM	Email with WJB re tax issues in connection with distributions	0.4
06/16/17	WJB	Prepare e-mail KEM with facts re Plan distributions in order to prepare tax analysis	0.2
06/16/17	WJB	Revise e-mail KEM re Plan facts for tax analysis, incorporate Dept of Justice letter and Dept of Justice tax motion and finalize same	0.3
06/16/17	WJB	Conference KEM re approach re taxes, balance sheet and Smith assets and agreement that first distribution is safe based upon remaining funds available for tax payment if necessary	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/16/17	KEM	Teleconference with WJB re distribution/tax issues, draft email to B Shea re same	0.8
06/19/17	KEM	Review information from accountants re COD income, review prior research on same	0.5
06/20/17	KEM	Email accountants re follow up information	0.1
06/22/17	WJB	Review status of Chiampou information request as requested by KEM and prepare email regarding same; Review reply regarding data being provided by close of business on June 23rd	0.1
06/23/17	WJB	Review e-mail from KEM with question on partnership tax attributes; Prepare reply and referral to B Shea	0.1
06/23/17	KEM	Review data from Chiampou re partnership losses; Email with WJB and B Shea re same	0.2
06/27/17	KEM	Email B Shea re status of additional data on income	0.1
		CURRENT FEES	\$8,997.00
		TOTAL AMOUNT OF THIS INVOICE	\$8,997.00

PAYMENT DUE UPON RECEIPT

CATEGORY R

WILLIAM J. BROWN, AS RECEIVER FUNCTION



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

Invoice Number 922013
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00017
 W J Brown

Re: W.J. BROWN, AS RECEIVER FUNCTION

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/06/16	WJB	Telephone call from F Price, Esq. re status	0.1
07/07/16	WJB	Review payroll, approve same and forward to B Shea	0.1
07/07/16	WJB	Review Dinosaur Securities statement and forward to B Shea	0.1
07/07/16	WJB	Review Fidelity Government Money Market Fund statement and forward to B Shea with question on where investment is located	0.1
07/07/16	WJB	Review KeyBank wire transfer advice for S Willis payment and e-mail B Shea	0.1
07/08/16	WJB	Review FNB Firstline statement and forward to B Shea	0.1
07/08/16	WJB	Review FNB McGinn Smith & Co. statement and forward to B Shea	0.1
07/08/16	WJB	Review M&T Bank statements for Benchmark, Alarm Traders, McGinn Smith Holdings and forward to B Shea, Cruise Charter Ventures, TAIN and forward all to B Shea	0.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/08/16	WJB	Prepare e-mail J Enders at M&T Bank re follow-up on service charges for May and June, request for reversal of same and incorporation into overall arrangement with M&T	0.1
07/08/16	WJB	Telephone call from D Hargrave re request for new confidential password	0.1
07/11/16	WJB	Review M&T deposit questions and prepare e-mail J Enders, A Bard re Cruise Charter Ventures and TAIN account analysis as interest bearing and charging of costs and need to resolve same	0.2
07/11/16	WJB	Review B Shea 7/9 e-mail on KeyBank check request and prepare reply re timing of same	0.1
07/11/16	WJB	Review B Shea 7/10 e-mail re rent bills and follow-up re same concerning 99 Pine Street	0.1
07/11/16	WJB	Review NFS statement and forward to B Shea re McGinn Smith Capital and McGinn Smith & Co. and request follow-up analysis on liquidation of illiquid securities	0.3
07/11/16	WJB	Review NYS Insurance Fund payroll report and forward to B Shea for completion	0.1
07/11/16	WJB	Review J Enders e-mail re Buffalo vs Albany M&T markets and prepare reply agreeing to consolidation of service	0.1
07/12/16	WJB	Review J Enders e-mail re relocating accounts to consolidate expenses; Consider same and prepare reply	0.2
07/13/16	WJB	Review, sign and approve checks received from B Shea; Prepare letter B Shea re same; Prepare e-mail B Shea re status of restoring computer functionality	0.3
07/14/16	WJB	Review KeyBank statement; Prepare e-mail B Shea re same and Willis default payment evaluation	0.1
07/14/16	WJB	Review Mass Mutual/George Lex statement and forward to B Shea	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/20/16	WJB	Review payroll, approve and forward to B Shea	0.1
07/25/16	WJB	Review weekly cash report from B Shea	0.1
08/02/16	WJB	Telephone call from Dr. Patel re status of Plan, calculation and range of potential distribution and referral to places on website for information	0.2
08/02/16	WJB	Review payroll request, approve same and prepare e-mail B Shea re same	0.1
08/02/16	WJB	Prepare notes to file re conversation with Dr. Patel	0.2
08/03/16	WJB	Review correspondence from John Hancock re pension plan (.1); Review Mass Mutual George Lex statement and forward to B Shea (.1); Review National Life Insurance premium for T McGinn life insurance policy, review policy values and send to B Shea for analysis (.2)	0.4
08/05/16	WJB	Review M&T Bank account analysis statements and forward to B Shea for review	0.1
08/05/16	WJB	Review M&T Bank statement for Alarm Trades and forward to B Shea for reconciliation	0.1
08/05/16	WJB	Review M&T Bank statements and forward to B Shea for reconciliation	0.3
08/05/16	WJB	Review First Niagara Bank statements and forward to B Shea for reconciliation	0.2
08/09/16	WJB	Review Mass Mutual/George Lex statement, endorse and deposit check and forward to B Shea	0.1
08/09/16	WJB	Review KeyBank statement and forward to B Shea for reconciliation	0.1
08/09/16	WJB	Telephone call from K Morse re alleged broker claim vs McGinn and no decision on materials received to date	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/09/16	WJB	Evaluate Northwest Bancshares as depository bank as successor to First Niagara branch where McGinn Smith funds are deposited, review public filings and financial statements and make decision to relocate monies to KeyBank	0.5
08/10/16	WJB	Telephone call from L at First Niagara Bank re transfer of McGinn Smith funds to KeyBank; Prepare e-mail B Shea re alternatives	0.3
08/11/16	WJB	Review B Shea response re which bank to locate new accounts at given interest rates and withdrawal from First Niagara; Prepare two letters J Smith at First Niagara requesting withdrawal process	0.2
08/11/16	WJB	Telephone call from M Anthony re discussion of whether actions of Messrs. McGinn and Smith constituted Ponzi scheme	0.2
08/12/16	WJB	Revise two letters to FNB re withdrawal of funds	0.1
08/15/16	WJB	Review 2016-17 Workers Compensation policy and bill for Alarm Traders; Prepare e-mail B Shea with questions re deposit	0.2
08/15/16	WJB	Review M&T Bank account analysis statement and forward to B Shea	0.1
08/15/16	WJB	Review Workers Compensation policy	0.1
08/15/16	WJB	Review letter from Dr. Patel re change of address and adjust records re same	0.1
08/15/16	WJB	Review e-mail from E Oexle re conference call to discuss First Niagara Bank transfers to KeyBank	0.1
08/16/16	WJB	Review payroll request, approve same and forward e-mail to B Shea re same	0.1
08/16/16	WJB	Review B Shea e-mail re Workers Compensation overpayment based upon higher payroll and resulting credit to premium	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/17/16	WJB	Exchange e-mails with J Smith at First Niagara Bank re checks available for pick-up and coordination re same for 8/18	0.2
08/18/16	WJB	Telephone call from J Golding as Manager of Small Business Decision at First Niagara Bank re money transfer from FNB to KeyBank and reasons to support Northwest Bank	0.2
08/18/16	WJB	Endorse two First Niagara Bank checks for deposit into KeyBank and prepare letter T Vail at KeyBank re same	0.3
08/18/16	WJB	Telephone call from W Wagner at Northwest Bank re money transfer	0.2
08/22/16	WJB	Prepare e-mail J Smith at First Niagara Bank re \$176.46 transaction notice and request for identification re nature of transaction and confirmation it is entry of interest due	0.1
08/22/16	WJB	Telephone call to First Niagara Bank to ascertain posting transaction in light of J Smith vacation and confirm as interest posting and prepare e-mail B Shea with explanation	0.3
08/22/16	WJB	Review Judge Hummel signed Order re allowance of professional fees; Post Order to website; Prepare letter to T Vail at KeyBank for official check	0.4
08/22/16	WJB	Forward sixth interim fee order as signed by Court to B Shea for reconciliation and posting	0.2
08/22/16	WJB	Review two deposit slips for KeyBank deposit for proceeds from prior First Niagara accounts and forward same to B Shea	0.2
08/23/16	WJB	Review weekly cash report from B Shea including transfers from FNB to KeyBank	0.1
08/23/16	WJB	Review e-mail from T Vail re availability of official check for pick-up and arrange for same	0.1
08/23/16	WJB	Prepare e-mail B Shea with KeyBank withdrawal ticket and e-mail with professional fee Order	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/23/16	WJB	Review Mass Mutual statement for G Lex, forward to B Shea	0.1
08/23/16	WJB	Review National Life/T McGinn life insurance policy annual summary and send to B Shea with analysis	0.2
08/23/16	WJB	Telephone message from J Zwiulich returning his phone call re inquiries concerning receivership estate	0.1
08/24/16	WJB	Review KeyBank interest rate offer for limited investments and forward to B Shea for consideration	0.2
08/24/16	WJB	Telephone call from J Zwiulich, investor, re McGinn Smith status including Plan	0.2
08/25/16	WJB	Review First Niagara Bank final statement and post same	0.1
08/30/16	WJB	Review and approve payroll request and prepare e-mail B Shea re same	0.1
08/31/16	WJB	Telephone call T Oexle at KeyBank re promotional interest rate and e-mail B Shea re same	0.1
09/06/16	WJB	KeyBank: Review rate offer details in preparation for call with KeyBank officers, E Hackett and T Oexle; Conference call E Hackett, T Oexle re 31-day CD rate alternative and terms of same; Prepare e-mail and revise same to B Shea with alternatives; Calculate amounts anticipating Plan approval and amounts needed to fund Plan in short-term given KeyBank requirement to maintain \$10 million for extended period	1.4
09/06/16	WJB	M&T: Review statements received from M&T and prepare e-mails J Enders re need to resolve M&T lack of coordination and statements issues	0.2
09/06/16	WJB	Review e-mail from T Oexle re new deposit program with higher interest rate and arrange for call re same; Review terms of new KeyBank total treasury program	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/06/16	WJB	Review e-mail from T Fergas re M Piernat; Search for and find similar name and prepare reply re confidentiality	0.3
09/06/16	WJB	Review M&T Bank Cruise Charter Ventures statement, deal with service charge	0.1
09/06/16	WJB	Review M&T Bank TAIN statement and deal with service charge	0.1
09/06/16	WJB	Review M&T Bank account statements and look for L Smith judgment deposit	0.2
09/06/16	WJB	Review First Niagara Bank final closeout statements and forward to B Shea	0.1
09/06/16	WJB	Review NYS Insurance Fund and credit balance and forward to B Shea	0.1
09/07/16	WJB	Review e-mail from E Hackett re 9-month rather than 6-month term for higher interest rate; Prepare e-mail B Shea re assessment of same and prepare reply E Hackett; Review proposed Deposit Agreement	0.2
09/08/16	WJB	Travel to Albany, NY for site inspection and meeting with B Shea re agenda of next step items in preparation for Plan approval and distribution, filing and records storage, banking details and check distribution and other items including open tax issues, tax returns dealing with Smith Trust issues and process for claims objections (total travel time 4.8 hours)	2.4
09/08/16	WJB	No Charge: Travel to Albany, NY for site inspection and meeting with B Shea re agenda of next step items in preparation for Plan approval and distribution, filing and records storage, banking details and check distribution and other items including open tax issues, tax returns dealing with Smith Trust issues and process for claims objections (total travel time 4.8 hours)	2.4
09/08/16	WJB	Travel from Albany to Buffalo (total travel time 4.0 hours)	2.0

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/08/16	WJB	No charge: Travel from Albany to Buffalo (total travel time 4.0 hours)	2.0
09/09/16	WJB	Review checks received from B Shea, approve same and return to B Shea	0.2
09/09/16	WJB	M&T: Review J Enders e-mail explanation re regional issues at M&T re account issues	0.1
09/12/16	WJB	Attend to administrative detail	0.1
09/13/16	WJB	Review and approve payroll and send to B Shea	0.1
09/13/16	WJB	Telephone call from S Cedar with questions as investor re Plan status	0.1
09/13/16	WJB	Review Mass Mutual/Lex statement and forward to B Shea and arrange for deposit of check	0.1
09/14/16	WJB	Review e-mail from Trustee for Rush Trust and prepare reply requesting specifics of authority to deal on behalf of investor	0.2
09/14/16	WJB	Review Walbrook Trustee's equity claim e-mail from G Suwinski re Rush Trust and locate claim and prepare reply re need for letter with evidence of authority	0.3
09/15/16	WJB	Review new M&T Bank banking documents for deposits; Coordinate re same; Prepare reply to J Enders e-mail re same, timing and completion	0.3
09/16/16	WJB	Review new M&T Bank banking documents and identify T McGinn accounts named in documents and excluded from online banking; Mark-up comments to documents and corrections re Receivership and limitations of authority	0.9
09/16/16	WJB	Prepare e-mail M&T re questions and issues on documents and delivery; Telephone call to M&T banker re same	0.2
09/16/16	WJB	Review account analysis statements and forward to B Shea	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/21/16	WJB	M&T Bank: Revise revised M&T Bank forms, complete same and return to M&T for coordination of electronic banking accounts	0.6
09/22/16	WJB	Telephone call from R Blazina re difficulties in accessing website; Prepare e-mails R Blazina providing link; Telephone calls re same, response to questions re Plan	0.3
09/27/16	WJB	Review Mass Mutual/Lex statement and send to B Shea; Review, approve payroll and send to B Shea	0.2
09/29/16	WJB	Review e-mail from D Newcomb re status of Plan and prepare reply	0.2
09/29/16	WJB	Review e-mail from D Newcomb to confirm address for Judge Sharpe and prepare reply re same and ex-parte communications	0.1
09/30/16	WJB	Prepare website update on status of Plan and post same	0.1
10/03/16	WJB	Telephone call from Dr. Chang's daughter re Plan status	0.1
10/04/16	WJB	Review D & J Newcomb letter to Judge Sharpe re Plan status and docket entry re Motion for Relief; Forward to B Shea for preparation in anticipation of Plan approval	0.2
10/10/16	WJB	Review M&T Bank statement for Alarm Traders, McGinn Smith Holdings, Cruise Charter Ventures, TAIN and reconcile certain withdrawals versus statements in payroll; Prepare e-mail B Shea re unreimbursed service charges	0.3
10/10/16	WJB	Review Dinosaur Securities statement and forward to B Shea for reconciliation	0.1
10/10/16	WJB	Telephone call from A Ferraro, as investor, re status of Plan and criminal conviction	0.3
10/11/16	WJB	Prepare e-mail B Shea re preparation of checks to pay Smith Trust taxes	0.1
10/12/16	WJB	Review payroll, approve same and forward to B Shea	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/12/16	WJB	M&T: Telephone call to J Enders to organize checks to pay Smith Trust taxes and tax accountant; Prepare e-mail with instructions re same	0.3
10/12/16	WJB	Revise and send e-mail to J Enders requesting official checks	0.1
10/12/16	WJB	Review and approve SFAR's for third and fourth quarters 2013, and first and second quarters 2014 and e-mail to SEC	0.8
10/13/16	WJB	Telephone message to M Anthony in return of his call as investor	0.1
10/13/16	WJB	Telephone call to M Anthony, as investor, re status and follow-up re Plan	0.2
10/14/16	WJB	Five Star Bank: Conference T Oexle, F Hornung re Five Star Bank proposal concerning investments and available interest rates as FDIC secured	0.8
10/14/16	WJB	Review Benchmark and Seton M&T Account Analysis statements and send additional statements to B Shea re missing items	0.3
10/17/16	WJB	Review weekly cash report and prepare e-mail D Stoelting with same	0.1
10/17/16	WJB	Prepare e-mail J Enders at M&T Bank re missing accounts from database	0.1
10/18/16	WJB	Review interest rate data from Five Star Bank and KeyBank for investment purposes	0.3
10/19/16	WJB	Telephone call from S Hillman re claim of Mrs. Hillman and need for Letters Testamentary and Death Certificate and letter to request change of address and redirection to website	0.2
10/20/16	WJB	Prepare e-mail M&T re status of accounts and lack of visibility	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/20/16	WJB	Telephone call to B Shea re Five Star and KeyBank interest rates; Reply to E Hackett re same	0.3
10/20/16	WJB	Telephone call from D Dichiara as former broker and discuss status of Plan and overall case and refer to website	0.2
10/24/16	WJB	Prepare e-mail response to W Stauffer re inquiry re contacting Court, status of Plan and other investors	0.2
10/24/16	WJB	Review National Life T McGinn life insurance bill and forward to B Shea	0.1
10/24/16	WJB	Review, approve and sign checks and return to B Shea	0.1
10/24/16	WJB	Review letter from Fidelity re terminated clearing agent role and increase in charges and forward to B Shea	0.1
10/25/16	WJB	Review e-mail from B Shea re payroll; Review payroll and approve same and prepare e-mail B Shea re same	0.1
10/26/16	WJB	Review NYS Insurance Fund report and refund and forward to B Shea for deposit information	0.1
10/27/16	WJB	Telephone call from D Giuffreido, as investor, re status of Plan and other matters	0.1
11/07/16	WJB	Telephone call from investor on instructions on how to deal with change of address request	0.1
11/07/16	WJB	Deal with M&T account issues and relationship; Coordinate re statements and account processing	0.6
11/08/16	WJB	Review and approve payroll and forward to B Shea	0.1
11/08/16	WJB	Telephone call from J Burke, as investor, re collateral recovery question in relation to approval of Plan	0.2
11/08/16	WJB	Prepare notes re J Burke call re collateral recovery hypotheticals posed by him and answers to same	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/09/16	WJB	Telephone call from M Kenyon re timeline related to investor questionnaire and W-9 since she will be away traveling and assurances re same	0.2
11/09/16	WJB	Telephone call from Dr. Chang's daughter re status of plan approval and distributions	0.2
11/11/16	WJB	Review KeyBank statement and forward to B Shea	0.1
11/11/16	WJB	Kinderhook Bank: Review Kinderhook Bank tiered savings account statement and forward to B Shea; Prepare letter to Kinderhook Bank re transferring accounts to name of Receiver	0.3
11/11/16	WJB	Review M&T Bank Cruise Charter Venture and TAIN statements and forward to B Shea noting credits due from M&T Bank	0.2
11/11/16	WJB	Review M&T Bank McGinn Holdings and Alarm Traders statements and forward to B Shea	0.2
11/14/16	WJB	Review M&T Bank account analysis statement and identify missing statements; Prepare e-mail B Shea re same	0.1
11/16/16	WJB	Telephone call from D Puglisi re Plan questions	0.1
11/18/16	WJB	Telephone call from J Mitzel re change of address and claims password	0.1
11/18/16	WJB	Review checks received from B Shea, approve and sign same and return to B Shea	0.2
11/22/16	WJB	Review payroll and forward approval to B Shea	0.1
11/28/16	WJB	Review NYS Insurance Fund renewal of disability policy, necessary completion of worksheet form; Prepare letter B Shea re same and instruction to complete form and submit to NYS	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/28/16	WJB	Kinderhook Bank: Review checking account statement and send to B Shea with question re whether interest accrues on account	0.1
11/28/16	WJB	Prepare letter T Vail for issuance of checks for payment of obligations	0.1
11/28/16	WJB	Telephone call from S Allegretta re timing of Plan distributions	0.1
11/30/16	WJB	KeyBank: Telephone call from T Heltz re KeyBank relationship with Receiver account and assuming responsibility for same and process re same	0.1
12/01/16	WJB	Prepare reply to website contact received from M/M Forgea re Plan and distribution status	0.1
12/01/16	WJB	Review Times Union article on Plan approval	0.2
12/05/16	WJB	Review letter from D Decker re change of address and check claims register re same	0.1
12/05/16	WJB	Review NYS Disability benefit insurance bill for 2017 and forward to B Shea	0.1
12/05/16	WJB	Review Kinderhook business money market statement and letter to follow re change of name	0.1
12/05/16	WJB	M&T Bank: Review Cruise Charter Ventures account and service charge issues and e-mail bankers re need for resolution	0.3
12/06/16	WJB	Telephone call from D Puglisi, as investor, re timing of distributions	0.1
12/06/16	WJB	Smith Trust/Kinderhook Bank: Telephone call from P Freeman, Esq. re request by Kinderhook Bank for Court Orders re Receiver rights as to Kinderhook bank accounts	0.2
12/09/16	WJB	Review Kinderhook Bank business checking account statement and forward to B Shea	0.1

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12/14/16	WJB	Review, sign and approve checks and return to B Shea	0.3
12/16/16	WJB	Review letter from RBS with new rules on account and prepare letter B Shea re same	0.2
12/20/16	WJB	Review Alarm Traders payroll, approve same and forward to B Shea	0.1
12/20/16	WJB	Telephone call from J Penchansky re father's death and process to administer claim in Receivership estate and proof needed re same	0.2
12/22/16	WJB	Deal with B Shea communication re check for storage location and request for proposal from mailing house	0.2
12/23/16	WJB	Prepare Plan status description for website re Investor Questionnaire and tax form distribution; Revise same and post to website	0.6
12/23/16	WJB	Telephone call from B Shea re development of investor mailing matrix and claims data matrix and use of Smith Trust assets	0.2
12/27/16	WJB	Telephone call from investor, J Lawson, re various questions and claims process	0.3
12/27/16	WJB	Telephone call from P Chapnick re claims status and discussion of distribution process	0.2
12/27/16	WJB	Review B Shea response re mailing house proposal and prepare reply to include all disputed claims and Investor Questionnaire distribution and mark claims as such	0.2
12/27/16	WJB	Review format for mailings and postal sizes and fonts for McGinn Smith distribution questionnaire and tax form	0.1
12/27/16	WJB	Prepare e-mail to R Feulner asking if he is licensed broker in light of question on behalf of investor; Check FINRA re same	0.1

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12/27/16	WJB	Telephone call from R Grillo re unnamed investor following R Feulner inquiry and general discussion of website and claims distribution process	0.3
12/28/16	WJB	Prepare reply to W Stauffer on status of Plan distribution and materials	0.1
12/28/16	WJB	Respond to M Manzi inquiry on address for investor mailings	0.1
12/28/16	WJB	Review Hartford Insurance bill and review prior e-mails re planned insurance reduction; Prepare e-mail B Shea re same	0.2
12/28/16	WJB	Review Mass Mutual/Lex payment and forward to B Shea and deposit check	0.1
12/28/16	WJB	Review letter from investor, F Keebler, re new contact information	0.1
12/29/16	WJB	Review F Keebler Jr. letter requesting address change and reconcile with trust	0.1
12/29/16	WJB	Review M Roarke letter requesting address change and check claims list	0.1
12/29/16	WJB	Review B Rosenzweig address change and check investor list; Prepare e-mail B Shea and draft letter for same	0.2
12/30/16	WJB	Telephone call from J Lapham re status of Plan and questions as investor	0.2
01/03/17	WJB	Review e-mail from P Keenan re address change and prepare reply re appropriate process	0.1
01/03/17	WJB	Prepare letter D Zenger at printer with postal check	0.1
01/03/17	WJB	Telephone call from S Byrne on behalf of mother, S Byrne, re address change process	0.1
01/04/17	WJB	Telephone call from J Lawson, as investor, re follow-up questions on password and status of case	0.1

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01/05/17	WJB	Review two claims by Ash and reconciliation	0.1
01/05/17	WJB	Review Haim claim	0.1
01/06/17	WJB	Review and approve documentation for change of address for G Lex	0.1
01/06/17	WJB	Review claim of K and A Morriseau and prepare letter requesting Letters Testamentary	0.2
01/06/17	WJB	Review claims chart involving Lex family in attempt to reconcile claims	0.1
01/06/17	WJB	Review e-mail from J Hertzberg re verification of address, check same and prepare reply	0.1
01/09/17	WJB	Telephone call from K Prior on behalf of J Prior re status of claims allowance, mailings and referral to website and explanation of process and status	0.2
01/09/17	WJB	Conference BHE, DNG re conversion of claims database from Excel to Microsoft Access	0.1
01/09/17	WJB	Conference DNG re McGinn Smith conversion to Access database for claims data and prepare e-mail B Shea re coordination on same	0.3
01/09/17	WJB	Review e-mail from B Shea re conversion to database of claim information and prepare reply on timing	0.1
01/10/17	WJB	Telephone call from B Shea on conversion of Excel to Access database for claims process, timing, discussion of paper claims treatment and way to identify for claims classification purposes	0.2
01/10/17	WJB	Review NYS Disability reporting letter and prepare letter B Shea re same	0.1
01/10/17	WJB	Review KeyBank statement and forward to B Shea	0.1

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01/10/17	WJB	Prepare letter to Kinderhook Bank re business checking account inaction notice and reconfirming existing of account	0.1
01/10/17	WJB	Review Kinderhook Bank savings account statement and forward to B Shea	0.1
01/10/17	WJB	Review National Financial Services statement and prepare e-mail B Shea with same	0.1
01/10/17	WJB	Review four M&T Bank account statements and forward to B Shea	0.1
01/10/17	WJB	Review letter from B Smith with change of address request and process same	0.1
01/10/17	WJB	Review D & K Shannon change of address request and process same	0.1
01/10/17	WJB	Review J Reinhart change of address request and process same	0.1
01/10/17	WJB	Review B Rosenzweig change of address request and process same	0.1
01/10/17	WJB	Review R Furno change of address and password request and process same	0.1
01/10/17	WJB	Review P Keenan letter re change of address and process same	0.1
01/13/17	WJB	Telephone call from J Storz, as investor, re status of process	0.1
01/13/17	WJB	Telephone call from W Siegford, as investor, re investor status	0.2
01/18/17	WJB	Review payroll and prepare e-mail B Shea approving same	0.1
01/18/17	WJB	Telephone call from J Mitzel re request to confirm address and review database for same	0.2

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01/18/17	WJB	Prepare e-mail to National Life re authority of B Shea to inquire on status of value of T McGinn life insurance policy	0.2
01/19/17	WJB	Prepare reply to e-mail from National Life Insurance re purpose of inquiry re T McGinn life insurance policy value	0.1
01/19/17	WJB	Review e-mail from D Newcomb re status of investor mailing; Prepare reply re same	0.1
01/20/17	WJB	Prepare e-mail to D Zenger re database status and mailing (.1); Prepare e-mail to W Stauffer on two address changes and e-mail G & K Dittman re address change process (.2)	0.3
01/20/17	WJB	Review Kinderhook bank statement and M&T account analysis and forward each to B Shea	0.1
01/21/17	WJB	Review change of address request from investor, B Sties and process same	0.1
01/23/17	WJB	Review Dr. H Star request for change of address and process same	0.1
01/23/17	WJB	Telephone call from E Howe on status of mailing and claims process	0.1
01/23/17	WJB	Telephone call from R Marquardt re her father's investor claim and explanation of collateral recovery rule	0.2
01/23/17	WJB	Review three e-mails from R Marquardt and Dr. & Mrs. Chang re intent not to pursue collateral recovery	0.1
01/25/17	WJB	Review TAIN, Cruise Charter Ventures Form 1099's received from HSBC and forward to B Shea for preparation of tax returns	0.1
01/25/17	WJB	Telephone call from M Laakso, investor, re status and timing	0.1
01/26/17	WJB	Telephone call from D Puglisi re investor letter and questionnaire based upon review of samples on website	0.1

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01/27/17	WJB	Telephone call from E Robinson re verifying old address and describing required letter to correct address	0.2
01/27/17	WJB	Telephone call from D Hargrave of Silver Creek, NY re distribution process and Questionnaire and temporary vacation in FL and method to handle same	0.2
01/30/17	WJB	Telephone call from M Pirnat re timing of distribution forms, referral to website and explanation of status	0.2
01/30/17	WJB	Telephone call from J Mayberry re questions on how to answer collateral source rules and effect of confidentiality agreement he is subject to	0.2
01/31/17	WJB	Telephone call from B Smith re address confirmation, status and process for distribution checks and address change as to one address but not others and discuss alternatives	0.2
01/31/17	WJB	Telephone call from M Smith, investor, re questions and explanation of process	0.2
01/31/17	WJB	Telephone from K Riell re trust and Will and opinion of JAG officers re trust providing for disposition of decedent's assets	0.2
01/31/17	WJB	Telephone call from E Lastrup re status of claim in light of fact that she is T McGinn's mother in law	0.1
01/31/17	WJB	Prepare reply to B Courey re K & M Courey claim and process	0.1
02/01/17	WJB	Review payroll request, approve and forward e-mail to B Shea	0.1
02/01/17	WJB	Review letter from V Emerson re change of address and password request; Create procedure for post-development of database change of address notifications so that subsequent revisions are made	0.2
02/02/17	WJB	Review e-mail from R Rosenstein re phone message and question re transmittal of Investor Questionnaires by e-mail and timing of delivery from mailing house	0.1

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02/02/17	WJB	Telephone call to R Rosenstein re vacation return date and dealing with Investor Questionnaires and referring her to website for samples in order to prepare information	0.2
02/03/17	WJB	Telephone call from Dr. Chang to confirm address and respond to various investor questions	0.2
02/03/17	WJB	Telephone call from T Feusner on behalf of Dr. Chang re 401K, IRA and related questions	0.4
02/06/17	WJB	Review Seton and Benchmark notices from M&T Bank re dormancy status, complete forms and prepare reply to M&T Bank	0.2
02/06/17	WJB	Prepare e-mail to printer for update on mailing status	0.1
02/06/17	WJB	Telephone call from G Forgea re status and mailing	0.1
02/06/17	WJB	Review KeyBank January statement and forward to B Shea	0.2
02/06/17	WJB	Review M&T Bank Alarm Traders, Cruise Charter Ventures, TAIN, McGinn Smith Holdings bank account statements and forward to B Shea	0.1
02/06/17	WJB	Review Kinderhook Bank savings account statement and forward to B Shea	0.1
02/06/17	WJB	Review D Newcomb status in address and prepare reply e-mail	0.1
02/07/17	WJB	Review John Hancock fee statement re participants and forward to B Shea	0.1
02/07/17	WJB	Review two KeyBank notices on preparation of 2016 tax forms for First Niagara Bank and review prior records re closing of First Niagara account and moving deposit to KeyBank; Prepare e-mail B Shea re who will prepare 1099s for transferred monies	0.2

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02/07/17	WJB	Review 1/30/17 letter from Dr. A Jaret re status of claims allowance; Review database and prepare reply	0.2
02/07/17	WJB	Review letter from S Burn re address change noting no old address and prepare reply letter re same	0.2
02/07/17	WJB	Telephone call from J Burke re San Diego address and instructions and whether to pro-rate collateral recovery	0.2
02/07/17	WJB	Telephone call from R Furno re investor questions concerning Investor Questionnaire and related matters	0.2
02/07/17	WJB	Review H Starr address change and process same; Review V DePaul O'Brien address change request and process same	0.2
02/09/17	WJB	Consider issues concerning claims process; Prepare e-mail B Shea re samples and review overall process of handling Investor Questionnaires and reviewing claims	0.2
02/09/17	WJB	Telephone call from B&M Mohr re investor questionnaire and paper claim, collateral recoveries and intent to withdraw collateral recovery claim against Piaker with prejudice	0.3
02/09/17	WJB	Telephone call from S Skully of Glens Falls National Bank re former nominee entity and need for evidence of legal chain of title	0.2
02/09/17	WJB	Telephone call from T Halperts re IRA account number	0.1
02/09/17	WJB	Telephone call from G Borel re receipt of only three of four Investor Questionnaires because of address change and discuss process re same	0.2
02/09/17	WJB	Telephone call from A Boardman re no distribution to equity claims and reason for same	0.2
02/09/17	WJB	Telephone call from investor with questions re Investor Questionnaire and W-9 process	0.1

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02/10/17	WJB	Telephone call from G Caldwell re T Wells estate and questions relating to same re proof of authority to deal with estate	0.2
02/10/17	WJB	Review status of B Rosenzweig claims, coordination of processing claims	0.1
02/10/17	WJB	Telephone call from P DelSignore re Will and Letters Testamentary	0.1
02/10/17	WJB	Telephone call from D Ockrymier re collateral recovery amount and instructions for completing Investor Questionnaire	0.1
02/10/17	WJB	Telephone call from M Aarons re joint tenancy and W-9 relating to claims process	0.1
02/10/17	WJB	Telephone call to P DelSignore re Letters Testamentary and Death Certificate and extended discussion on how to complete form	0.2
02/10/17	WJB	Telephone call from V Gentile re \$0 claim and collateral recovery treatment	0.2
02/10/17	WJB	Telephone call from W Peters re amount of Receiver distribution and what it means for no liability; Prepare e-mail B Shea re same	0.2
02/13/17	WJB	Attention to dealing with W Peters claims and number thereof as to whether it is two versus four	0.1
02/13/17	WJB	Telephone call from S Monte re desire to accept Receiver posted amount for claims versus paper claims and discussion of process to accomplish same	0.2
02/13/17	WJB	Telephone call re L Morrell claim involving which social security number to use	0.1
02/13/17	WJB	Telephone call re P Greene claim involving IRA Services and how to deal with same	0.1

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02/13/17	WJB	Telephone call from N Hargrave re completing Investor Questionnaire	0.1
02/13/17	WJB	Telephone call from T Ferges re grandmother claim concerning handling of IRA Services W-9	0.1
02/13/17	WJB	Telephone call from A Coresello re nature of investments and questions re same	0.2
02/13/17	WJB	Telephone call from R Beck and discussion and identification of CMS direct investment	0.1
02/13/17	WJB	Telephone call from B DeLuca re father's claim process for password letter and questions on website access	0.2
02/13/17	WJB	Telephone call from T O'Connor re questions on behalf of investors and assistance with how to obtain duplicate claims password	0.2
02/14/17	WJB	Telephone call from P Marsh re death of investor, Letters Testamentary and process and date for submitting Investor Questionnaire	0.2
02/14/17	WJB	Conference with staff re dealing with various investor questions including address issues, estates, processing and next steps concerning Investor Questionnaires and claims process based upon calls taken from investors	0.4
02/14/17	WJB	Telephone call from D Manganelli re process questions	0.1
02/14/17	WJB	Telephone call from R Perkins re how to deal with 2003 death and need for Letters Testamentary and Death Certificate	0.1
02/14/17	WJB	Telephone call from B Gold re collateral recovery and discussion of multiple checks	0.2
02/14/17	WJB	Telephone call from A Guzzetti re answers to various investor questions	0.1
02/14/17	WJB	Telephone call from H Glavin on behalf of S&E Rabinovich re discussion of claims allowance	0.1

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02/14/17	WJB	Follow-up telephone conference H Glavin to discuss potential settlement of claims objection	0.2
02/15/17	WJB	Telephone call from D Daley as Executor for W Howard re SSN and other questions concerning Investor Questionnaire	0.1
02/15/17	WJB	Telephone call from S Packuluck and M White re timing of distribution process, percentage and dealing with IRA Services	0.2
02/15/17	WJB	Conference with staff involving dealing with various claims questions arising in communications with investors including S Snyder equity claim, J Schmitt address and B McCafferty on SAI claim; Review B McCafferty letter and e-mail to B Shea re SAI claims	0.6
02/15/17	WJB	Telephone call from A Corsello re paper claims dispute	0.3
02/15/17	WJB	Telephone call from J Parker re 2/28 deadline date and target date intended	0.2
02/15/17	WJB	Revise e-mail B Shea re issues of not scheduling SAI paper claims similar to H McCafferty claim	0.2
02/15/17	WJB	Review, sign and return checks to B Shea	0.2
02/15/17	WJB	Review Zenger printing and processing bill and e-mail to B Shea for payment	0.1
02/15/17	WJB	Telephone call from C Wilkes for estate of P Deboer and how to process amount and request for Will and Letters Testamentary	0.2
02/16/17	WJB	Telephone call from C Seltzer re Investor Questionnaires sent to wrong address, process for dealing with same	0.2
02/16/17	WJB	Check on forwarding of returned investor mailings and dictate process for staff to deal with same	0.1

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02/16/17	WJB	Telephone call from H Starr on how to complete W-9 as custodian	0.1
02/16/17	WJB	Telephone call from Kathy at Fidelity Investments re D Jones-Taylor mis-addressed claim, search of Fidelity database and request for additional information so as to be able to issue instructions; Prepare memo to file re same	0.2
02/16/17	WJB	Telephone call from L Hickey re address issue relating to Investor Questionnaire and discussion of same	0.2
02/17/17	WJB	Telephone call from P Rabinovich re various investor questions on completing Investor Questionnaires	0.2
02/17/17	WJB	Telephone call from Dr. Harold George re effect of sale of his business on completion of Investor Questionnaire and W-9 and refer him to his legal and financial advisors re same	0.2
02/17/17	WJB	Telephone message from B Coffin re various questions; Voicemail message to B Coffin re response to questions; Prepare e-mail to B Coffin re addressing various questions	0.1
02/17/17	WJB	Conference with staff re Thrasher address change request	0.1
02/17/17	WJB	Prepare letter to H Dart re need for Letters Testamentary	0.1
02/17/17	WJB	Telephone call from B Coffin re addressing questions raised by Investor Questionnaires	0.2
02/17/17	WJB	Telephone call from S Vandry re paper claim and Integrated Alarm claims and disposition of same	0.3
02/17/17	WJB	Telephone call from E Fisher re status of receipt of Investor Questionnaire envelope	0.1
02/17/17	WJB	Telephone call from E Sturza re percent of distribution and timing of same	0.1
02/17/17	WJB	Telephone call from B Mohr re investor questions	0.1

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02/20/17	WJB	Review M Ruth Andrews Death Certificate, address change and conversion to estate claim; Prepare Memo to File approving Death Certificate and Letters Testamentary; Prepare letter to Executor returning original documents	0.2
02/20/17	WJB	Review B Smith Investor Questionnaire questions and prepare Memo to File re same	0.1
02/20/17	WJB	Review S Reindollar questions on single versus joint claim and how to deal with administration in light of death	0.2
02/20/17	WJB	Review letter from T O'Connor re B Malmud Investor Questionnaire and related documents; Prepare reply letter to T O'Connor re same	0.2
02/20/17	WJB	Review T O'Connor letter re A DeLuca and reply re same concerning Investor Questionnaire	0.1
02/20/17	WJB	Review received Investor Questionnaires and W-9s	0.1
02/20/17	WJB	Review R DeLeonardis address change letter, verify same and update records	0.1
02/20/17	WJB	Review Letters Testamentary and Death Certificate for L DelSignore Sr., process same and including address and verify estate	0.2
02/20/17	WJB	Review letter from A Boardman re address change, review equity schedules and prepare reply letter re no distribution to equity class	0.2
02/20/17	WJB	Review Harold Alvin Smith letters re address change request and reconcile with database	0.1
02/20/17	WJB	Review M Favish address change request and prepare reply letter re duplicate letter if necessary	0.2
02/20/17	WJB	Review e-mail request re whether file complete and prepare reply in response for conference call	0.1
02/20/17	WJB	Review address change request for Estate of William Stauffer	0.1

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02/20/17	WJB	Review Letters Testamentary and Death Certificate re William Stauffer and attend to review and administration of address and executor appointment	0.3
02/20/17	WJB	Review E Rolison address change request and process same	0.1
02/20/17	WJB	Attend to four Investor Questionnaires from D Chang	0.1
02/20/17	WJB	Review and revise e-mail to R Courey re different addresses and individuals	0.2
02/20/17	WJB	Prepare reply e-mail to K Riell re J Riell identity re one certain claim being different from two others	0.3
02/21/17	WJB	Extended telephone conference with A Forsyth re address change, overall claims process and check address	0.2
02/21/17	WJB	Review check and invoice for Zenger and prepare transmittal letter to Zenger re same	0.2
02/21/17	WJB	Review claim of P Purcell and questions dealing with death of husband intestate	0.1
02/21/17	WJB	Follow-up telephone call to P Purcell re suggestion for voluntary administration to deal with intestate estate; Prepare memo to file re same	0.1
02/21/17	WJB	Prepare reply e-mail T Horte letter re need for Letters Testamentary and Death Certificate	0.1
02/21/17	WJB	Telephone call from J Garguilo re SAI not in Plan and CMS is direct claim	0.2
02/21/17	WJB	Telephone call from R Atwood from American Municipal Securities relating to H Czerwic claim and need for Death Certificate and Letters Testamentary	0.1
02/22/17	WJB	Telephone call from K Coughlin re estate of M Page, proceeds and distribution process	0.1

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02/22/17	WJB	Telephone call from E Howe re lack of receipt of Investor Questionnaire but having claim and process to deal with same	0.2
02/22/17	WJB	Telephone call from K Halderman re password request and process for same and distribution questions	0.1
02/22/17	WJB	Review E Howe paper claims in light of telephone call from him; Telephone call to E Howe re no distribution because claims deal with excluded entities; Prepare memo to file re same	0.2
02/22/17	WJB	Review K Smith address change letter; Review password request letter from B Gold; Review P Chapman password request letter	0.1
02/22/17	WJB	Telephone call from D Blanchet re K Siple as deceased and process for dealing with Letters Testamentary and Death Certificate	0.2
02/22/17	WJB	Telephone call from R Perkins re W-9 and how to process since estate is involved	0.1
02/22/17	WJB	Review S&L Such file re 2/17 call and need for forwarding address	0.1
02/22/17	WJB	Telephone call from P Zuchero re processing of claims, investor questionnaire and related matters	0.2
02/22/17	WJB	Telephone call to M Such re Such claim, intestate issue and answers to questions on how to deal with claims	0.2
02/22/17	WJB	Telephone call from H Venezia re Investor Questionnaire since investment no longer in IRA; Investigate solution and advise investor re same	0.3
02/22/17	WJB	Review unemployment insurance rate change received from NYS and prepare letter B Shea re same	0.1
02/23/17	WJB	Telephone call from K Bajwa re missing Investor Questionnaire for claim 4191, check database and prepare letter with duplicate mailing documents	0.2

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02/23/17	WJB	Review letter from Harold Alvin Smith with modified letter to support; Prepare reply letter re inability to claim funds for himself and son based upon assertions	0.2
02/23/17	WJB	Review status of responses to investors for duplicate investors questionnaires and information and organize process for same	0.1
02/23/17	WJB	Review returned Investor Questionnaires from E Higgins with return envelopes	0.1
02/23/17	WJB	Telephone call from P Conti re W-9s, IRA's and withholding process, collateral recovery, involvement in Piaker & Lyons lawsuit, how to direct IRA payments	0.4
02/23/17	WJB	Telephone call from P Zuchero re target date of 2/28 and not bar date	0.1
02/23/17	WJB	Telephone call from J Alaskey re claim of J Alaskey, Death Certificate and Letters Testamentary	0.1
02/23/17	WJB	Telephone call from H Venezia re distribution list and D Zuchero Death Certificate and Letters Testamentary	0.1
02/24/17	WJB	Telephone call from F DiClementi re placement of investment in deceased wife's trust and how to proceed	0.1
02/24/17	WJB	Review T O'Connor Esq. 2/23 letter re handling of B Malmud claim	0.1
02/24/17	WJB	Deal with P Purcell question on Investor Questionnaire, W-9 and IRA Services	0.1
02/24/17	WJB	Review five e-mail questions from H Venezia re submitting Investor Questionnaire and respond to same	0.1
02/24/17	WJB	Telephone call from J Alaskey re voluntary administration and refer to family attorney for proper advice	0.1
02/24/17	WJB	Telephone call from L Hickey-Korf re two mis-addressed return envelopes and arrange for same	0.1

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02/24/17	WJB	Telephone message for M Laufer re 403B treatment	0.1
02/24/17	WJB	Review Kinderhook Bank checking account statement and forward to B Shea	0.1
02/24/17	WJB	Review Kinderhook Bank savings account inactivity notice and prepare letter to Kinderhook Bank re no inactivity	0.1
02/24/17	WJB	Telephone call from advisor for B Long re questions on how to complete investor questionnaire	0.1
02/24/17	WJB	Review letter from P Marsh re Death Certificate and Letters Testamentary, review same, approve same and change nature of claim to estate	0.1
02/24/17	WJB	Telephone from Father Wargo at St. Joseph Church re follow-up on claims and need for potential duplicate claims if he cannot locate mail	0.2
02/24/17	WJB	Telephone call from D Hart re taxes, Letters Testamentary and what to send to Receiver for Review	0.1
02/27/17	WJB	Review and approve payroll and respond to B Shea re same	0.1
02/27/17	WJB	Telephone call from M Kelly, Esq. on behalf of client re discussion of 2/28 target date and confirmation not bar for claim of P Zuchero	0.1
02/27/17	WJB	Telephone call from C Massaroni, Esq. of McNamee Lochner re potential representation of holder of disputed claim and discussion of whether claims objections have been filed and meaning and purpose of Investor Questionnaire	0.1
02/27/17	WJB	Telephone call from J Penchanski, investor, re how and what social security number to use for estate and referral to financial professional	0.1
02/27/17	WJB	Telephone call from T Stockdale re claim of S Campbell re understanding of McGinn Smith distribution process, investor questionnaire and nature of disputed claims	0.2

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02/28/17	WJB	Revise e-mail S Kohl re sending investor Questionnaire and related materials only to registered address and not to Hong Kong	0.1
02/28/17	WJB	Telephone call from T Stockdale re claim for estate of S Campbell, hypothetical discussion of paper claim with no substantiation, explanation of investor Questionnaire and claims process and necessity to deal with estate legal representative	0.2
02/28/17	WJB	Further review of claim of S Campbell including review of databases; Prepare memo to file re conversation with T Stockdale and claim analysis	0.2
02/28/17	WJB	Revise e-mail reply to S Kohl re transmission of duplicate copies of Investor Questionnaire and related materials	0.1
02/28/17	WJB	Telephone call from S Hughes at US Bank re T McGinn 401K; Prepare reply e-mail with Preliminary Injunction Order and explanation	0.1
02/28/17	WJB	Review multiple Investor Questionnaires received by overnight courier	0.2
02/28/17	WJB	Review W Lex Investor Questionnaires including those of family	0.1
02/28/17	WJB	Review letter from S Fowler with Investor Questionnaires; Prepare reply letter re collateral recovery rules	0.1
03/01/17	WJB	Telephone call from C Seltzer re need for duplicate investor questionnaires, verification of address and discussion of questions on collateral recovery rule	0.3
03/02/17	WJB	Review e-mail from investors with Investor Questionnaires received by courier and process same	0.1

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03/03/17	WJB	Telephone call from E Sturza re need for duplicate investor letters with claim numbers because of loss of same and various questions on distribution and process; Prepare letter with requested documents	0.2
03/03/17	WJB	Prepare various investor letters re duplicate Investor Questionnaires, change of addresses and other routine items	0.3
03/06/17	WJB	Telephone call from P Conti re Piaker withdrawal confirmation and where non-IRA proceeds will be sent	0.2
03/06/17	WJB	Telephone call from S Krensel re duplicate password process, distribution process	0.2
03/06/17	WJB	Review envelopes containing various Investor Questionnaires and courier packages re same including preparation of reply letter to K Morriseau re receipt of six envelopes	0.3
03/06/17	WJB	Review letter from J&L Penchansky re ownership of investment, review claims website and correspondence, Death Certificate, Letters Testamentary and IRA Services statements; Prepare reply letter investigating same; Prepare e-mail B Shea to examine claim	0.3
03/06/17	WJB	Review letter from P Purcell	0.1
03/06/17	WJB	Review P Purcell, C Purcell claim, review Death Certificate and Certificate of Voluntary Administration	0.2
03/06/17	WJB	Review A Greenburg letter including IRA trustee background with Investor Questionnaire and prepare approval	0.3
03/07/17	WJB	Prepare letter response to A&S Forsyth re SIPC coverage and review explanation on website	0.2
03/07/17	WJB	Review and reply to letter from P Marsh re estate	0.2
03/07/17	WJB	Review letter from J Lynch re IRAs and deal with same	0.2
03/07/17	WJB	Review letter from R Ash on where IRA held and prepare reply re Charles Schwab account	0.2

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03/07/17	WJB	Review letter from D Kaiser for A Holland and prepare reply re need for Death Certificate for joint claims and Letters Testamentary for sole claim	0.2
03/07/17	WJB	Prepare D Dart letter re probate order, Will, distributions and prepare memo to file re same	0.2
03/07/17	WJB	Review letter from A Boardman on why no distribution, review file and confirm prior letter on no distribution to equity claims	0.2
03/08/17	WJB	Telephone call from B Coffin re spouse and L Butler records in light of communications concerning Power of Attorney and claims	0.2
03/08/17	WJB	Review J Hertzberg e-mail re confirmation of receipt of Investor Questionnaire and prepare reply	0.1
03/08/17	WJB	Telephone call from M DeLuca re duplicate password having been sent on 3/6/17	0.1
03/08/17	WJB	Review Kinderhook Bank savings account statement, KeyBank statement, M&T Bank statements and forward to B Shea for reconciliation; Prepare e-mail B Shea re purpose of Check No. 3310 on M&T Bank Alarm Traders account	0.3
03/08/17	WJB	Review P Conti letter re withdrawal from Piaker & Lyons lawsuit and prepare re process re collateral recovery claims	0.1
03/09/17	WJB	Conference staff re filing Investor Questionnaires and recording receipt on database, process for same and coordination	0.3
03/09/17	WJB	Telephone call from D Puglisi re investment status	0.1
03/09/17	WJB	Conference with staff re mailing Questionnaires and address changes, process for same, US postal service notices and process; Telephone call from L Hickey to deal with missing Investor Questionnaire; Review K Courey question and address, set up call to discuss	0.5

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03/09/17	WJB	Prepare letter to Mr. Newcomb in reply to questions re McGinn Smith claims status	0.2
03/10/17	WJB	Attend to S Allegretta address change for JAT Construction in relation to other Allegretta claims	0.1
03/10/17	WJB	Telephone call from S Cedar re no mailings received and attend to follow-up re same	0.1
03/13/17	WJB	Review, approve and respond re payroll	0.1
03/13/17	WJB	Review and approve J Crandall-Coffin address change	0.1
03/13/17	WJB	Conference staff re claims review process and coordinating same	0.1
03/13/17	WJB	Review Death Certificate for A Oles re claim of J Hertkorn; Prepare Memo to File re Death Certificate	0.1
03/13/17	WJB	Review claim of K Bajwa re duplicate and cross-check to three other claims	0.1
03/13/17	WJB	Review duplicate claim forms and Investor Questionnaires received from two investors	0.1
03/13/17	WJB	Telephone call from M Piernet re distribution timing	0.1
03/13/17	WJB	Telephone call from M Schwartz re lack of receipt of Investor Questionnaire and address verification	0.1
03/14/17	WJB	Review B Shea list of open items for Plan and prepare reply re call to discuss same	0.1
03/14/17	WJB	Review M&T account analysis statements and Kinderhook checking statement and forward to B Shea	0.1
03/16/17	WJB	Review, sign and approve checks and return to B Shea	0.3

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03/16/17	WJB	Review letter from H Gorino, J Gorino fka J Holleran; Prepare two reply letters acknowledging and providing duplicate claims mailings	0.2
03/16/17	WJB	Telephone call from M Smith re husband claim and what to do and arrange for duplicate investor questionnaires	0.1
03/17/17	WJB	Review change of address and Investor Questionnaire letters received	0.1
03/20/17	WJB	Review Investor Questionnaires received and attend to processing same	0.1
03/20/17	WJB	Conference staff re M Schwartz address change and questions re same and R Hill two asserted equity claims and dealing with same	0.3
03/20/17	WJB	Telephone call from A Formel re return from travel and dealing with three different investor interests and process for same	0.2
03/22/17	WJB	Conference staff re status of Investor Questionnaires, claims database and reconciliation	0.2
03/23/17	WJB	Telephone call from K Goska re J and Y Goska Death Certificate and Investor Questionnaire forms and responding to questions re same	0.2
03/24/17	WJB	Deal with Seton Hall K-1 for Estate of B Fisher; Prepare letter B Fisher for Death Certificate and Letters Testamentary	0.2
03/27/17	WJB	Review five investor questionnaire and W-9 returned letters received and submit for processing	0.1
03/27/17	WJB	Review Y Goska Death Certificate as received and request for address change; Prepare memo to file re review of same and authorization	0.1
03/27/17	WJB	Review additional Investor Questionnaires and W-9s received on 3/27	0.1

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03/27/17	WJB	Telephone call from D Hargrave, investor, re timing of distribution	0.1
03/27/17	WJB	Telephone call from C Ramsay re status of Plan distributions	0.1
03/27/17	WJB	Review R Spier claims letter and telephone message to H Reeves re same	0.1
03/28/17	WJB	Telephone from A Ferraro re status of distributions and claims database	0.1
03/28/17	WJB	Prepare reply e-mail B Coffin re Power of Attorney review	0.1
03/29/17	WJB	Telephone call from M Dillon re lack of receipt of Investor Questionnaire and W-9s, review claims list and attend to follow-up and prepare memo to file re zip code issue and possible need for duplicate Investor Questionnaires	0.2
03/29/17	WJB	Telephone call from P Keenan re distribution and prepare reply	0.1
03/30/17	WJB	Telephone call from law firm paralegal re estate of R Spire and what is needed to process estate claim	0.1
03/30/17	WJB	Telephone call from E McKinley checking claim address and what is needed for deceased father's claim	0.2
03/30/17	WJB	Telephone call from D Dart to confirm receipt of Investor Questionnaires and W-9s	0.1
03/31/17	WJB	Telephone call from R Tormas with multiple questions re process, forms and related matters	0.3
03/31/17	WJB	Review Investor Questionnaires and W-9 forms received from A Formel re multiple investments and claims, review Death Certificate and related documents; Prepare reply letter returning originals	0.2
03/31/17	WJB	Revise letter to A Formel returning Death Certificate and review two unrelated letters with Investor Questionnaires	0.3

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03/31/17	WJB	Telephone call from M Schwartz re confirming return address, timing and SIPC coverage	0.1
04/03/17	WJB	Review three sets of Investor Questionnaires received and forward for review	0.1
04/03/17	WJB	Review letter from N Wright re change of address and Investor Questionnaires	0.1
04/03/17	WJB	Review and approve payroll and forward to B Shea	0.1
04/03/17	WJB	Conference re questions arising out of Investor Questionnaires and address changes	0.1
04/04/17	WJB	Prepare follow-up e-mail to March 8 e-mail to B Shea re purpose of check drawn on M&T Alarm Traders account	0.1
04/04/17	WJB	Review M Schwartz address change request and other investor questions and mailings	0.2
04/07/17	WJB	Review and send to B Shea statements for Dinosaur Securities, six M&T Bank accounts including Benchmark, Seton Hall, CCV, TAIN, McGinn Smith Holdings and Alarm Traders	0.2
04/10/17	WJB	Review two National Financial Services statements and forward to B Shea for reconciliation	0.1
04/10/17	WJB	Review J Hertzberg e-mail to confirm receipt of Investor Questionnaires, check status and prepare reply	0.1
04/10/17	WJB	Review Kinderhook Bank checking account statement and forward to B Shea for reconciliation	0.1
04/11/17	WJB	Telephone call from B Coffin re status of mother's Power of Attorney, need for original, request to meet in Albany to review original because of concern of losing original, prepare confirming e-mail re substance of discussion and timing of same	0.3

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04/12/17	WJB	Telephone call from R Brennan re requirement for address change letter	0.1
04/12/17	WJB	Telephone call from R Collier re Power of Attorney questions	0.1
04/12/17	WJB	Review letter from K Wood as executor of estate of D Page; Prepare letter to K Wood for original Letters Testamentary	0.1
04/13/17	WJB	Review multiple Investor Questionnaires returned and provide to staff for processing	0.1
04/13/17	WJB	Telephone call from L Vona CPA re 2/28 date as guideline only	0.1
04/13/17	WJB	Telephone call from S Burns re address confirmation	0.1
04/21/17	WJB	Review John Hancock statement and M&T Bank account analysis statements and forward to B Shea	0.1
04/21/17	WJB	Review, approve and sign checks received from B Shea and return to B Shea	0.2
04/24/17	WJB	Review letter from R Courey with four additional investor questionnaires for K Courey and inquiry on the forms	0.1
04/24/17	WJB	Review letter from P Collier with Death Certificate, Letters Testamentary and Assignment; Prepare reply letter returning original documents and dealing with two investor questionnaires and W-9s	0.2
04/24/17	WJB	Review letter and e-mail from S Kohl with questions including change of address and prepare reply e-mail re same	0.2
04/25/17	WJB	Review R Courey e-mail re receipt of M Courey investor questionnaire	0.1
04/26/17	WJB	Telephone call from A Barman re website referral and information posted on website and extended discussion of claims process and timing	0.2

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04/28/17	WJB	Telephone call from Dr. Shaknovich re request for duplicate Questionnaires and lack of communications from P Rabinovich	0.1
05/04/17	WJB	Review M&T Bank statements for Seton Hall, MS Holdings, Alarm Traders, TAIN, CCV and Benchmark and forward to B Shea	0.2
05/04/17	WJB	Prepare letter B Fisher re Mr. Cranberry K-1	0.1
05/05/17	WJB	Telephone call from S Burns on behalf of S Burns re claim number	0.1
05/05/17	WJB	Telephone call from J Burke re questions on distribution process	0.3
05/05/17	WJB	Telephone call from A Bajwa re completing Investor Questionnaire	0.1
05/05/17	WJB	Telephone call from R Williams re status of payments under distribution process	0.1
05/06/17	WJB	Review e-mail from M Manzi re first payment schedule of investor distributions and question re same; Prepare reply re distributions on rolling basis	0.1
05/08/17	WJB	Review Kinderhook Bank statement and forward to B Shea; Review KeyBank statements and forward to B Shea	0.1
05/08/17	WJB	Review, approve and sign checks and return to B Shea	0.2
05/08/17	WJB	Telephone call from J Lawson re questions concerning distribution process and comment on website not linking to first distribution list; Attend to linkage on Receiver's website for investor purposes	0.3
05/09/17	WJB	Review R Babcock Death Certificate received from S Babcock as part of claims process	0.1

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05/10/17	WJB	Telephone call from I Nemeth re Piaker & Lyons participation status, review docket and refer to KML5 for analysis and response	0.2
05/10/17	WJB	Telephone call from A O'Shea re status and distribution steps for claims 5956-5957	0.2
05/10/17	WJB	Review Second Distribution List and forward to B Shea for comment	0.1
05/11/17	WJB	Telephone call from S Monte re question of whether Receiver received withdrawal of paper claim letter per prior conversation, review file and discuss with S Monte	0.3
05/11/17	WJB	Review S Burn investor questionnaires received with only one W-9; Conference KML5 to prepare appropriate response	0.1
05/11/17	WJB	Deal with administrative issues concerning second payment schedule, filing and website update	0.2
05/11/17	WJB	Telephone call from investor to explain claims process and distribution lists	0.1
05/12/17	WJB	Telephone call from E House to determine why claim rejected and need to review and call him back	0.2
05/12/17	WJB	Telephone call from J Tommell re Carolyn as predeceasing and consequences and process	0.2
05/12/17	WJB	Review multiple M&T account analysis statements and forward to B Shea	0.1
05/12/17	WJB	Review Congor claim address change letter and prepare letter providing duplicate Investor Questionnaires and W-9s	0.1
05/15/17	WJB	Telephone call from Michelle of Town of Niskayuna re Death Certificate of D Winne and questions re handwritten insertion and comparison to certified copy	0.2
05/15/17	WJB	Prepare memo to file re facts, analysis and circumstances re D Winne Death Certificate	0.1

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05/15/17	WJB	Telephone call from E Howe re names of investments and whether included in Receivership and provided for under Plan, look for claims and study same	0.2
05/15/17	WJB	Review D Puglisi temporary change of address letter and consider how to handle in light of maintaining permanent address	0.1
05/15/17	WJB	Review W Ferrero letter on disputed claims	0.1
05/15/17	WJB	Review E Howe claims re SAI, Atlantis, RTC and review B Shea e-mails with explanation as to same	0.1
05/16/17	WJB	Telephone call from investor, J Mayberry, re Piaker & Lyons lawsuit, treatment of any collateral recoveries in accordance with Plan, how distributions will be reserved and treated, course of action	0.3
05/16/17	WJB	Telephone call from B Windbiel re no receipt of Investor Questionnaire, identification of phone numbers and address and need to have staff revert to her and provide instructions to staff to deal with claim and Investor Questionnaires	0.3
05/16/17	WJB	Telephone call from T Taboda re D Gustafson claim and questions to same and prepare memo to file re same	0.3
05/17/17	WJB	Telephone call from R Rosenstein re claim numbers, investor letter and timing	0.2
05/18/17	WJB	Telephone call from W Seigford re claims distribution process	0.1
05/18/17	WJB	Telephone call from W Seigford re thank you re website and distribution information and updating him as to process	0.1
05/22/17	WJB	Telephone call from J Robertson on behalf of R Robertson in light of husband's condition and discussion and assistance re completion of Investor Questionnaires and background of needed information and reasons for same	0.3

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05/22/17	WJB	Review payroll, approve same and prepare e-mail B Shea re same	0.1
05/22/17	WJB	Review State Insurance Fund policy for forthcoming year and forward to B Shea	0.1
05/22/17	WJB	Telephone call from G Andrus re distribution process and questions re same	0.2
05/22/17	WJB	Prepare letter B Shea re NYS Insurance Fund requirements re posting and request that B Shea accomplish same	0.1
05/24/17	WJB	Review J Robertson letter for Investor Questionnaires and W-9s	0.1
05/24/17	WJB	Review J & R Robertson file; Prepare letter re need to complete Investor Questionnaire and return of completed forms	0.2
05/25/17	WJB	Telephone call from S Stekeur re distribution process	0.1
05/26/17	WJB	Telephone call from Dr. Patel re distribution process	0.1
05/26/17	WJB	Telephone call from investor, J Burke, on how claims will be reserved or if collateral recoveries are being pursued	0.2
05/26/17	WJB	Telephone call from L Gault Sentz, cross-check database and discuss address and updating with her	0.2
05/31/17	WJB	Telephone call from C Gorino re claim status, review claim folder, explain withdrawal process of paper claim	0.2
05/31/17	WJB	Prepare reply e-mail D Newcomb re distribution process status	0.1
06/01/17	WJB	Review investor questionnaire claim and consider collateral recovery rule as general question	0.1
06/01/17	WJB	Teleconference with M Pollock regarding incomplete investor questionnaires	0.2

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06/05/17	WJB	Teleconference with R Blazina regarding timing, website and 2012 database	0.2
06/06/17	WJB	Telephone call from R Marquardt re distribution questions and timing	0.2
06/07/17	WJB	Telephone call from A Forsyth re explanation of collateral recovery rule as affecting allowance of claim	0.2
06/07/17	WJB	Review and approve payroll and forward to B Shea	0.1
06/09/17	WJB	Telephone call from M Donohue purportedly on behalf of E Czerwicz and advice re need authorization documents to talk with third party re claims, explanation of same and process for same	0.2
06/09/17	WJB	Telephone call from H Czerwicz re M Donohue and need for Death Certificate and Letters Testamentary and process for dealing with M Donohue involvement in handling of investor claim	0.2
06/09/17	WJB	Review B Shea e-mail re status of calls with Five Star re CDARS program for invested monies and prepare e-mail F Hornung re same	0.1
06/09/17	WJB	Review e-mail from B Shea re need for new scanner and prepare reply e-mail approving same	0.1
06/12/17	WJB	Five Star Bank: Prepare e-mail F Hornung directing him to discuss investments and check processing with B Shea; Prepare e-mail T Oexle requesting Five Star financials for review	0.1
06/12/17	WJB	Telephone call from C Porcelli re timing of her claims analysis and discussion of percentage of distribution and explanation re same	0.1
06/12/17	WJB	Five Star Bank: Prepare e-mail F Hornung to provide Receivership Order and deposit details for potential investment and explanation of Order as governing document	0.2

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00017 W.J. Brown, as Receiver Function
November 6, 2017

Invoice Number 922013

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/12/17	WJB	M&T Bank: Review A Bard e-mail requesting conference call and prepare reply e-mail directing her to discuss potential investment of estate funds with B Shea	0.1
06/12/17	WJB	Telephone call from J Schneider re F Chiappone as broker and as processing distributions and need for address change correction and process for same	0.2
06/12/17	WJB	Review B Shea analysis concerning Five Star interest rates in comparison to other banks	0.1
06/13/17	WJB	Review e-mail from F Hornung at Five Star Bank re necessary documents for investment account and prepare reply with questions re corporate documents and timing	0.1
06/13/17	WJB	Telephone call from F Hornung re operating agreement and prepare e-mail re effectiveness of Order as substituting for operating agreement with respect to investment account	0.2
06/13/17	WJB	Conference KML5 re claim of L Gault re missing address changes and investor questionnaire and course of action	0.1
06/13/17	WJB	Telephone call from P Farrell at Wilmington Trust re assurances re M&T satisfying and responding to inquiries re new disbursement account and prepare reply e-mail re same	0.1
06/13/17	WJB	Telephone call from A Ferraro re whether his distribution and claim number have been reviewed, review three schedules posted on website with him	0.1
06/14/17	WJB	Five Star Bank: Telephone call from T Oexle and F Hornung re questions concerning potential CDARS investments, use of PIO and amounts	0.1
06/14/17	WJB	Prepare e-mail B Shea re report on Five Star call with T Oexle, F Hornung re amount of investments and share selection, term of investment and various interest rates	0.1
06/14/17	WJB	Prepare e-mail B Shea requesting check for Pension Works payment to finalize wind down	0.1

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00017 W.J. Brown, as Receiver Function
November 6, 2017

Invoice Number 922013

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/14/17	WJB	Wilmington Trust: Telephone messages to and from N Garrison re arrangements for investments and interest rates	0.1
06/14/17	WJB	Telephone call from C Gufstafson re D Gufstafson death and requirements re same	0.1
06/14/17	WJB	Telephone call from J Scharre, Esq. re investor matters	0.1
06/14/17	WJB	Telephone call from N Garrison at M&T re process to print checks at M&T and cost of same	0.1
06/14/17	WJB	Review and forward M&T Account Analysis and Workers Compensation invoice to B Shea	0.1
06/15/17	WJB	Telephone call from Dr. Patel expressing frustration at not retaining his claim numbers and insisting upon non-uniform process for his obtaining claim numbers from Receiver rather than through established process, discuss same and distribution process; Prepare follow-up letter	0.3
06/15/17	WJB	Prepare memo to file re extended conversation with Dr. Patel re his claim numbers and process	0.2
06/19/17	WJB	Telephone call from R Brenner re status of allowance of claim	0.1
06/19/17	WJB	Telephone call from P Klotman re his agreeing to withdrawal of paper claim and confirmation of same	0.1
06/21/17	WJB	Prepare email to B Shea requesting three bank rate comparison for new investment program	0.1
06/21/17	WJB	Prepare reply email to B Shea to clarify how to calculate rates for investment comparison	0.2
06/21/17	WJB	Five Star Bank: Review and prepare Five Star Bank forms for CDARS Program; Prepare email to F Hornung regarding completed forms and follow-up questions	0.3
06/21/17	WJB	Review B Shea email regarding money market account purpose and prepare reply regarding same	0.1

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00017 W.J. Brown, as Receiver Function
November 6, 2017

Invoice Number 922013

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/21/17	WJB	Review, approve and sign checks and return to B Shea with letter regarding warranty for printer	0.2
06/22/17	WJB	Review two emails from F Hornung with account details at Five Star Bank; Review B Shea questions regarding accounts	0.1
06/22/17	WJB	Teleconference with N Garrison at M&T regarding charges for processing of checks if M&T used to make investor distributions; Prepare email report to B Shea regarding same and rejection of M&T for this process	0.2
06/22/17	WJB	Two teleconferences with J Zuchlewski at M&T regarding differences between Cedars Program and purchase of treasury bond; Prepare email to B Shea with monetary and procedural differences and initial thoughts regarding same	0.5
06/22/17	WJB	Review email from J Zuchlewski at M&T regarding investment program	0.1
06/26/17	WJB	Prepare reply to J Kenneth Lynch of why claim number is bypassed because not in any particular order; Review file and respond	0.1
06/26/17	WJB	Review 3 investor questionnaires received and request for claim number from Dr. Patel	0.1
06/28/17	WJB	Teleconference with M Laakso regarding distribution process timing and discussion of distributable assets	0.2
06/28/17	WJB	Teleconference with S Burn regarding Cyril Burn claim and timing of allowance process; Check investor file	0.2
06/28/17	WJB	Five Star Bank: Prepare email to F Hornung regarding account title and why rates are different comparing same to M&T Bank	0.1
06/29/17	WJB	Prepare withdrawal instructions to KeyBank for withdrawal of funds to establish CDARS account at Five Star Bank	0.1

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00017 W.J. Brown, as Receiver Function
November 6, 2017

Invoice Number 922013

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/29/17	WJB	Conference with T Oexle and F Hornung to sign Five Star Bank documents for CDARS investment and establish money market account	0.2
06/29/17	WJB	Review F Hornung email on current rates for CDARS with increase in light of discussion concerning M&T rates; Prepare reply with amounts to invest	0.1
06/29/17	WJB	Revise letter to KeyBank regarding withdrawal amount	0.1
06/29/17	WJB	Teleconference from J Delcastro regarding report from US Attorney that distributions being made and advice on process in reference to receiver's website	0.2
06/30/17	WJB	Prepare email to B Shea with evidence of KeyBank \$3,205,000 withdrawal and CDARS detail for deposit	0.1
06/30/17	WJB	Conference with F Hornung regarding execution of additional Five Star documents regarding money market	0.2
06/30/17	WJB	Teleconference with R Rogers regarding numeric order of allowed claims	0.1
CURRENT FEES			\$46,770.00

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Travel Expense Brown, William J; WJB 09/08/16 Travel to Albany, NY for dinner meeting/conference with controller to review plan distribution mechanics; 09/16/16	332.95
Travel Meals Brown, William J; WJB 09/08/16 Travel to Albany, NY for dinner meeting/conference with controller to review plan distribution mechanics; 09/16/16	184.35
CURRENT EXPENSES	517.30
TOTAL AMOUNT OF THIS INVOICE	\$47,287.30

PAYMENT DUE UPON RECEIPT

CATEGORY S

SEC vs. MCGINN SMITH & Co., INC., ET AL.



Phillips Lytle LLP

Attorneys at Law
 One Canalside
 125 Main Street
 Buffalo, NY 14203-2887
 Telecopier # (716) 852-6100
 (716) 847-8400
 FED I.D. #16-0505790

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

Invoice Number 922014
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00018
 W J Brown

Re: SEC V MCGINN SMITH & CO., INC., ET AL

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/14/16	WJB	Check on and calculate date for appeal to US Supreme Court from Second Circuit decision	0.1
07/18/16	WJB	Review Stipulation for release of L Smith accounts and review 8/3/10 Order in connection with same; Revise Stipulation as prepared by L Smith counsel including review of RMR and Wells Fargo statements and prepare revisions to Stipulation	1.0
07/18/16	WJB	Prepare e-mail D Stoelting at SEC with track changes version of L Smith turnover Stipulation	0.3
07/19/16	WJB	Review returned mail from Jaekle Fleischmann re service of Fee Application and attend to correction of address given merged Firm	0.1
07/22/16	WJB	Telephone call from D Stoelting re form of turnover order and discussion of tax penalties for use of IRA to make payment and language to avoid same; Identify bank account for deposit of L Smith judgment proceeds and prepare e-mail B Shea re same	0.5

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00018 SEC v McGinn Smith & Co., Inc., et al
November 6, 2017

Invoice Number 922014

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/25/16	WJB	Prepare e-mail D Stoelting with L Smith target bank account for judgment proceeds	0.1
07/25/16	WJB	Review turnover order received from D Stoelting; Prepare e-mail D Stoelting re consent to same re L Smith	0.2
07/26/16	WJB	Review J Linnan changes to L Smith turnover order; Review K McGrath comment re same and prepare e-mail D Stoelting re same	0.1
07/27/16	WJB	Review SEC letter to Judge Sharpe re L Smith turnover order	0.1
07/28/16	WJB	Review L Smith turnover order as signed by Court and post to website	0.1
08/01/16	WJB	Review L Smith satisfaction of judgment received from D Stoelting and prepare reply with comments	0.1
08/01/16	WJB	Review K McGrath reply re unfreezing L Smith accounts; Review D Stoelting reply; Prepare e-mail highlighting turnover order paragraph and prepare e-mail re same	0.3
08/01/16	WJB	Review D Stoelting e-mail re Dr. Patel; Check website and prepare re information available there and prior communications with Dr. Patel	0.3
08/05/16	WJB	Review Fidelity letter with \$8,021.60 check in satisfaction of L Smith judgment; Prepare e-mail D Stoelting to confirm receipt; Endorse and deposit check in accordance with Order	0.3
08/15/16	WJB	Prepare e-mail B Shea to watch for possible return of L Smith judgment check so as to determine when payment is final	0.1
08/15/16	WJB	Review e-mail from B Shea re no return of L Smith judgment proceeds check; Review satisfaction of judgment and form of judgment satisfaction sent by D Stoelting to J Linnan	0.2
08/18/16	WJB	Telephone call from D Krug in Judge Hummel's Chambers re appearance on Fee Application and response re application of Local Rule re submission	0.2

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00018 SEC v McGinn Smith & Co., Inc., et al
November 6, 2017

Invoice Number 922014

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/24/16	WJB	Review Order at Docket No. 900 for satisfaction of judgment against L Smith and post to Receiver's website	0.1
09/07/16	WJB	Review local rules and applicable law re permissible contacts with Court re status of Plan review and approval by Court	0.3
09/09/16	WJB	Conference ESB re status of Plan and possibilities of checking status with Court Clerk and consider same	0.0
09/12/16	WJB	Review K McGrath e-mail re Plan status and contacting Court to ascertain same; Prepare reply with actual timeline of filings and submission date and consider course of action	0.2
09/12/16	WJB	Consider course of action re status of Plan and possibility of communicating with Court Clerk	0.2
09/12/16	WJB	Voicemail to J Law at NDNY re 3/14 text order re Plan and if anything further is needed for consideration of Plan	0.3
09/15/16	WJB	Prepare e-mail SEC re no response received from Court Clerk re voicemail concerning status of any information needed for consideration of Plan	0.1
09/22/16	WJB	Telephone call from B Westhoff at Kaye Scholer; Return message re S Fowler objection	0.1
10/11/16	WJB	Telephone call to Clerk's Office re Docket No. 901 and whether it actually sets motion hearing; Follow-up telephone call to J Law in Judge Sharpe's Chambers re Docket No. 901 and whether motion response is required as per docket; Prepare e-mail SEC re same and status of Plan	0.5
10/17/16	WJB	Telephone call from D Stoelting and K McGrath re Pine Street proceeds, source and relation to final judgment relating to L Smith	0.3
10/17/16	WJB	Review RMR account and Pine Street proceeds as relates to L Smith; Prepare e-mail SEC re same	0.2
10/31/16	WJB	Review Memorandum-Decision and Order approving Plan and forward to B Shea and SEC	0.3

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00018 SEC v McGinn Smith & Co., Inc., et al
November 6, 2017

Invoice Number 922014

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/02/16	K-K	Docket hearing date on Phillips Lytle's seventh interim fee application	0.2
12/17/16	WJB	Review B Shea proposal to mailing house for investor questionnaire and prep comments and reply to B Shea	0.2
02/24/17	WJB	Review SEC vs. Wells Fargo decision dealing with secured creditor not to file claims in light of claims process	0.1
03/31/17	WJB	Prepare Order in Aid of Administration Notice of Motion and Motion for Plan process order	0.5
04/05/17	WJB	Review text Order as to when and how to file distribution schedules	0.1
04/06/17	WJB	Telephone message from Asst. US Attorney re status of return from government of T McGinn and D Smith records; Consider same	0.1
04/12/17	WJB	Review L O'Brien letter re attachment of W Lex claim and consider same	0.1
04/12/17	WJB	Prepare reply letter to L O'Brien re W Lex pre-judgment attachment and reasons for not honoring same and forward to SEC	0.2
		CURRENT FEES	\$3,819.00
		TOTAL AMOUNT OF THIS INVOICE	\$3,819.00

PAYMENT DUE UPON RECEIPT

CATEGORY T

**WILLIAM J. BROWN, AS RECEIVER OF MCGINN SMITH &
Co., INC. FOR THOMAS E. LIVINGSTON**



Phillips Lytle LLP

Attorneys at Law
 One Canalside
 125 Main Street
 Buffalo, NY 14203-2887
 Telecopier # (716) 852-6100
 (716) 847-8400
 FED I.D. #16-0505790

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

Invoice Number 922015
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00019
 W J Brown

Re: W.J. BROWN, AS RECEIVER OF MCGINN SMITH & CO., INC. V THOMAS E. LIVINGSTON

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/02/16	WJB	Review two checks received from T Livingston, check prior payments and total amount of payments due for remaining months	0.2
09/01/16	WJB	Review Livingston check, check balance, endorse and deposit same; Forward to B Shea	0.1
09/20/16	WJB	Telephone call from J Dougherty, Esq. at Hinman Straub on behalf of S Livingston re final payment, question re releases and amount of final payment	0.2
09/21/16	WJB	Locate Livingston settlement agreement and forward to Livingston counsel in connection with final settlement payment of bullet amount	0.1
09/29/16	WJB	Telephone call from J Dougherty on behalf of S Livingston re balloon payment and interest rate on same; Prepare e-mail B Shea for calculation	0.2

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00019 W.J. Brown, as Receiver of McGinn Smith
November 6, 2017

Invoice Number 922015

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/30/16	WJB	Review B Shea calculation of interest due in connection with balloon payment; Prepare e-mail J Dougherty providing same	0.2
10/01/16	WJB	Review Settlement Agreement to check for terms of final balloon payment and any necessary steps beyond that	0.2
10/03/16	WJB	Review final payment check from S Livingston, verify amount versus Settlement Agreement; Prepare e-mail B Shea re same; Prepare e-mail SEC re full payout	0.2
11/02/16	WJB	Telephone call from S Livingston counsel re settlement agreement and final payment	0.1
11/04/16	WJB	Review release of Mass Mutual policy, complete same and prepare reply to J Dougherty re same; Review overall settlement terms based upon payment in full	0.3
11/28/16	WJB	Review Mass Mutual mailing with release of Assignment following payment in full of settlement amount by S Livingston	0.1
		CURRENT FEES	\$902.00
		TOTAL AMOUNT OF THIS INVOICE	\$902.00

PAYMENT DUE UPON RECEIPT

CATEGORY W

DAVID L. & LYNN A. SMITH IRREVOCABLE TRUST



Attorneys at Law
 One Canalside
 125 Main Street
 Buffalo, NY 14203-2887
 Telecopier # (716) 852-6100
 (716) 847-8400
 FED I.D. #16-0505790

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

Invoice Number 922016
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00022
 W J Brown

Re: DAVID L. & LYNN A. SMITH IRREVOCABLE TRUST

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/05/16	WJB	Review check request from Smith Trust accountant for prior year tax return preparation and reconcile checks to invoices; Prepare letter to L DeAngelis enclosing checks for tax return preparation	0.3
07/08/16	WJB	Review Kinderhook Bank statements and forward to B Shea, G Smith	0.1
07/14/16	WJB	Review Kinderhook Bank savings statement and prepare e-mail B Shea re potential transfer following appeal period being closing focusing on interest rate in comparison to other banks	0.2
08/05/16	WJB	Review Kinderhook savings account statement and forward to B Shea, G Smith	0.1
08/15/16	WJB	Review Kinderhook checking account statement and forward to B Shea for reconciliation	0.1
09/06/16	WJB	Review Kinderhook Bank savings account statement and forward to G Smith as final statement to be sent and to Brian Shea with copies to SEC	0.1

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00022 David L. & Lynn A. Smith Irrevocable Tru
November 6, 2017

Invoice Number 922016

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/12/16	WJB	Review Kinderhook bank checking account statement; Prepare e-mail B Shea with question as to whether account should be transferred or retained in light of interest percentage	0.1
09/15/16	WJB	Review G Smith e-mail requesting any K-1's received and prepare e-mail B Shea double-checking re same	0.1
09/19/16	WJB	Review response from B Shea confirming that all Smith Trust K-1's have been delivered in light of dissolution of Pine Street investment	0.1
09/19/16	WJB	Prepare reply e-mail to G Smith re no K-1's given Pine Street dissolution	0.1
10/06/16	WJB	Listen to voicemail from G Deangelis after reviewing payment voucher for tax returns and prepare e-mail re same re tax relating to Smith Trust	0.2
10/10/16	WJB	Review Kinderhook Bank statement and forward to B Shea for reconciliation	0.1
10/10/16	WJB	Review e-mail from B Shea re tax checks for Smith Trust payment of taxes, consider same and prepare reply	0.1
10/14/16	WJB	Prepare letter to NYS and IRS with checks for payment of 2015 taxes; Prepare letter G Deangelis with check for payment of 2015 tax preparation fee; Review tax returns and amounts due	0.3
12/23/16	WJB	Prepare e-mail G Deangelis re harvesting Smith Trust losses in 2016 for tax purposes	0.1
12/23/16	WJB	Prepare e-mail B Shea re G Smith list of assets of Smith Trust for evaluation	0.1
CURRENT FEES			\$1,043.00
TOTAL AMOUNT OF THIS INVOICE			\$1,043.00

PAYMENT DUE UPON RECEIPT

CATEGORY Y

**WILLIAM J. BROWN, AS RECEIVER FOR THIRD ALBANY
INCOME NOTES, LLC vs. DAVID KENNEDY AND
STEPHEN I. WILLIS**



Attorneys at Law
 One Canalside
 125 Main Street
 Buffalo, NY 14203-2887
 Telecopier # (716) 852-6100
 (716) 847-8400
 FED I.D. #16-0505790

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

Invoice Number 922017
 Invoice Date 11/06/17
 Client Number 33474
 Matter Number 00024
 W J Brown

Re: WILLIAM J. BROWN, AS RECEIVER FOR THIRD ALBANY INCOME NOTES, LLC VS. DAVID KENNEDY AND STEPHEN I. WILLIS

FOR PROFESSIONAL SERVICES RENDERED THROUGH JUNE 30, 2017:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/19/16	WJB	Review S Willis life insurance policy statement	0.1
11/18/16	WJB	Review S Willis settlement terms, revise demand letter and review check payment history	0.3
11/28/16	WJB	Telephone call from S Willis re default notice, currently on unemployment and requesting 60 days forbearance and promise to consider same and revert	0.2
CURRENT FEES			\$287.00

33474 Brown, William J. as Receiver of McGinn,
Smith & Co., Inc., et al
00024 William J. Brown, as Receiver for Third
November 6, 2017

Invoice Number 922017

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FOR COSTS ADVANCED AND EXPENSES INCURRED:

Overnight Courier WJB - UPS to Aaron M. Zeisler (Zeisler PLLC); Re: alseT	26.98
Postage WJB - Postage to Stephen I. Willis; Re: alseT	5.11
CURRENT EXPENSES	<hr/> 32.09

TOTAL AMOUNT OF THIS INVOICE \$319.09

PAYMENT DUE UPON RECEIPT

Exhibit C

WILLIAM J. BROWN, ESQ
RECEIVER

PHILLIPS LYTTLE LLP
125 MAIN STREET
BUFFALO, NY 14203
PHONE 716 847 7089

STANDARDIZED FUND ACCOUNTING REPORT

CIVIL DISTRIBUTION FUND

MCGINN, SMITH & CO. INC. ET. AL.
CIVIL COURT DOCKET No.
10-CV-457(GLS/DRN)

REPORTING PERIOD 7/1/2016 TO 9/30/2016

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
 Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
 Reporting Period 7/1/16 to 9/30/16

FUND ACCOUNTING (See Instructions):				
		Detail	Subtotal	Grand Total
Line 1	Beginning Balance (As of 3/31/2015):	21,747,296	21,747,296	21,747,296
	<i>Increases in Fund Balance:</i>			
Line 2	Business Income	121	121	121
Line 3	Cash and Securities			
Line 4	Interest/Dividend Income	8,883	8,883	8,883
Line 5	Business Asset Liquidation			
Line 6	Personal Asset Liquidation			
Line 7	Third-Party Litigation Income	15,249	15,249	15,249
Line 8	Miscellaneous - Other			
	Total Funds Available (Lines 1 – 8):	24,253	24,253	24,253
	<i>Decreases in Fund Balance:</i>			
Line 9	Disbursements to Investors			
Line 10	Disbursements for Receivership Operations			
Line 10a	Disbursements to Receiver or Other Professionals	135,332	135,332	135,332
Line 10b	Business Asset Expenses	16,496	16,496	16,496
Line 10c	Personal Asset Expenses			
Line 10d	Investment Expenses			
Line 10e	Third-Party Litigation Expenses			
	1. Attorney Fees			
	2. Litigation Expenses			
	<i>Total Third-Party Litigation Expenses</i>			
Line 10f	Tax Administrator Fees and Bonds			
Line 10g	Federal and State Tax Payments			
	Total Disbursements for Receivership Operations	151,828	151,828	151,828
Line 11	Disbursements for Distribution Expenses Paid by the Fund:			
Line 11a	<i>Distribution Plan Development Expenses:</i>			
	1. Fees:			
	Fund Administrator.....			
	Independent Distribution Consultant (IDC).....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<i>Total Plan Development Expenses</i>			
Line 11b	<i>Distribution Plan Implementation Expenses:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR) Reporting Expenses			
	<i>Total Plan Implementation Expenses</i>			
	Total Disbursements for Distribution Expenses Paid by the Fund			
Line 12	Disbursements to Court/Other:			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			
Line 12b	Federal Tax Payments:			
	Total Disbursements to Court/Other:			
	Total Funds Disbursed (Lines 9 – 11):			
Line 13	Ending Balance (As of 6/30/2014):			21,619,721

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
 Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
 Reporting Period 7/1/16 to 9/30/16

Line 14	Ending Balance of Fund – Net Assets:			
Line 14a	Cash & Cash Equivalents			
Line 14b	Investments			
Line 14c	Other Assets or Uncleared Funds			
	Total Ending Balance of Fund – Net Assets			\$ 21,619,721

OTHER SUPPLEMENTAL INFORMATION:				
		Detail	Subtotal	Grand Total
	Report of Items NOT To Be Paid by the Fund:			
Line 15	Disbursements for Plan Administration Expenses Not Paid by the Fund:			
Line 15a	Plan Development Expenses Not Paid by the Fund:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	Total Plan Development Expenses Not Paid by the Fund			
Line 15b	Plan Implementation Expenses Not Paid by the Fund:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	Total Plan Implementation Expenses Not Paid by the Fund			
Line 15c	Tax Administrator Fees & Bonds Not Paid by the Fund			
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			
Line 16	Disbursements to Court/Other Not Paid by the Fund:			
Line 16a	Investment Expenses/CRIS Fees			
Line 16b	Federal Tax Payments			
	Total Disbursements to Court/Other Not Paid by the Fund:			
Line 17	DC & State Tax Payments			
Line 18	No. of Claims:			
Line 18a	# of Claims Received This Reporting Period.....			
Line 18b	# of Claims Received Since Inception of Fund.....			2,781
Line 19	No. of Claimants/Investors:			
Line 19a	# of Claimants/Investors Paid This Reporting Period.....			
Line 19b	# of Claimants/Investors Paid Since Inception of Fund.....			2

Receiver:
 By: William J. Brown
 (signature)
William J. Brown
 (printed name)
Receiver
 (title)
 Date: 12/23/2016

WILLIAM J. BROWN, ESQ
RECEIVER

PHILLIPS LYTTLE LLP
125 MAIN STREET
BUFFALO, NY 14203
PHONE 716 847 7089

STANDARDIZED FUND ACCOUNTING REPORT

CIVIL DISTRIBUTION FUND

MCGINN, SMITH & CO. INC. ET. AL.
CIVIL COURT DOCKET No.
10-CV-457(GLS/DRN)

REPORTING PERIOD 10/1/2016 TO 12/31/2016

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
 Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
 Reporting Period 10/1/16 to 12/31/16

FUND ACCOUNTING (See Instructions):				
		Detail	Subtotal	Grand Total
Line 1	Beginning Balance (As of 3/31/2015):	21,619,721	21,619,721	21,619,721
	Increases in Fund Balance:			
Line 2	Business Income	39	39	39
Line 3	Cash and Securities			
Line 4	Interest/Dividend Income	10,689	10,689	10,689
Line 5	Business Asset Liquidation			
Line 6	Personal Asset Liquidation			
Line 7	Third-Party Litigation Income	38,675	38,675	38,675
Line 8	Miscellaneous - Other			
	Total Funds Available (Lines 1 - 8):	49,403	49,403	49,403
	Decreases in Fund Balance:			
Line 9	Disbursements to Investors			
Line 10	Disbursements for Receivership Operations			
Line 10a	Disbursements to Receiver or Other Professionals	282,327	282,327	282,327
Line 10b	Business Asset Expenses	24,654	24,654	24,654
Line 10c	Personal Asset Expenses			
Line 10d	Investment Expenses			
Line 10e	Third-Party Litigation Expenses			
	1. Attorney Fees			
	2. Litigation Expenses			
	Total Third-Party Litigation Expenses			
Line 10f	Tax Administrator Fees and Bonds			
Line 10g	Federal and State Tax Payments			
	Total Disbursements for Receivership Operations	306,981	306,981	306,981
Line 11	Disbursements for Distribution Expenses Paid by the Fund:			
Line 11a	Distribution Plan Development Expenses:			
	1. Fees:			
	Fund Administrator.....			
	Independent Distribution Consultant (IDC).....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	Total Plan Development Expenses			
Line 11b	Distribution Plan Implementation Expenses:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR) Reporting Expenses			
	Total Plan Implementation Expenses			
	Total Disbursements for Distribution Expenses Paid by the Fund			
Line 12	Disbursements to Court/Other:			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			
Line 12b	Federal Tax Payments			
	Total Disbursements to Court/Other:			
	Total Funds Disbursed (Lines 9 - 11):			
Line 13	Ending Balance (As of 6/30/2014):			21,362,143

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
 Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
 Reporting Period 10/1/16 to 12/31/16

Line 14	Ending Balance of Fund – Net Assets:			
Line 14a	Cash & Cash Equivalents			
Line 14b	Investments			
Line 14c	Other Assets or Uncleared Funds			
	Total Ending Balance of Fund – Net Assets			\$ 21,362,143

OTHER SUPPLEMENTAL INFORMATION:		Detail	Subtotal	Grand Total
	Report of Items NOT To Be Paid by the Fund:			
Line 15	Disbursements for Plan Administration Expenses Not Paid by the Fund:			
Line 15a	Plan Development Expenses Not Paid by the Fund:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	Total Plan Development Expenses Not Paid by the Fund			
Line 15b	Plan Implementation Expenses Not Paid by the Fund:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	Total Plan Implementation Expenses Not Paid by the Fund			
Line 15c	Tax Administrator Fees & Bonds Not Paid by the Fund			
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			
Line 16	Disbursements to Court/Other Not Paid by the Fund:			
Line 16a	Investment Expenses/CRIS Fees			
Line 16b	Federal Tax Payments			
	Total Disbursements to Court/Other Not Paid by the Fund:			
Line 17	DC & State Tax Payments			
Line 18	No. of Claims:			
Line 18a	# of Claims Received This Reporting Period.....			
Line 18b	# of Claims Received Since Inception of Fund.....			2,781
Line 19	No. of Claimants/Investors:			
Line 19a	# of Claimants/Investors Paid This Reporting Period.....			
Line 19b	# of Claimants/Investors Paid Since Inception of Fund.....			2

Receiver: _____
 By: William J. Brown
 (signature)
W. William J. BROWN
 (printed name)
Receiver
 (title)
 Date: 8/10/2017

WILLIAM J. BROWN, ESQ
RECEIVER

PHILLIPS LYTTLE LLP
125 MAIN STREET
BUFFALO, NY 14203
PHONE 716 847 7089

STANDARDIZED FUND ACCOUNTING REPORT

CIVIL DISTRIBUTION FUND

MCGINN, SMITH & CO. INC. ET. AL.
CIVIL COURT DOCKET No.
10-CV-457(GLS/DRN)

REPORTING PERIOD 1/1/2017 TO 3/31/2017

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
 Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
 Reporting Period 1/1/17 to 3/31/17

FUND ACCOUNTING (See Instructions):				
		<u>Detail</u>	<u>Subtotal</u>	<u>Grand Total</u>
Line 1	Beginning Balance (As of 3/31/2015):	21,362,143	21,362,143	21,362,143
	Increases in Fund Balance:			
Line 2	Business Income		-	-
Line 3	Cash and Securities			
Line 4	Interest/Dividend Income	8,311	8,311	8,311
Line 5	Business Asset Liquidation		-	-
Line 6	Personal Asset Liquidation			
Line 7	Third-Party Litigation Income	1,670	1,670	1,670
Line 8	Miscellaneous - Other		-	-
	Total Funds Available (Lines 1 - 8):	9,981	9,981	9,981
	Decreases in Fund Balance:			
Line 9	Disbursements to Investors			
Line 10	Disbursements for Receivership Operations			
Line 10a	Disbursements to Receiver or Other Professionals		-	-
Line 10b	Business Asset Expenses	14,711	14,711	14,711
Line 10c	Personal Asset Expenses			
Line 10d	Investment Expenses			
Line 10e	Third-Party Litigation Expenses			
	1. Attorney Fees			
	2. Litigation Expenses			
	Total Third-Party Litigation Expenses			
Line 10f	Tax Administrator Fees and Bonds			
Line 10g	Federal and State Tax Payments			
	Total Disbursements for Receivership Operations	14,711	14,711	14,711
Line 11	Disbursements for Distribution Expenses Paid by the Fund:			
Line 11a	Distribution Plan Development Expenses:			
	1. Fees:			
	Fund Administrator.....			
	Independent Distribution Consultant (IDC).....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	Total Plan Development Expenses			
Line 11b	Distribution Plan Implementation Expenses:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR) Reporting Expenses			
	Total Plan Implementation Expenses			
	Total Disbursements for Distribution Expenses Paid by the Fund			
Line 12	Disbursements to Court/Other:			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			
Line 12b	Federal Tax Payments			
	Total Disbursements to Court/Other:			
	Total Funds Disbursed (Lines 9 - 11):			
Line 13	Ending Balance (As of 6/30/2014):			21,357,413

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
Reporting Period 1/1/17 to 3/31/17

Line 14	Ending Balance of Fund – Net Assets:			
Line 14a	Cash & Cash Equivalents			
Line 14b	Investments			
Line 14c	Other Assets or Uncleared Funds			
	Total Ending Balance of Fund – Net Assets			\$ 21,357,413
OTHER SUPPLEMENTAL INFORMATION:				
		Detail	Subtotal	Grand Total
Line 15	Report of Items NOT To Be Paid by the Fund:			
	Disbursements for Plan Administration Expenses Not Paid by the Fund:			
Line 15a	<i>Plan Development Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<i>Total Plan Development Expenses Not Paid by the Fund</i>			
Line 15b	<i>Plan Implementation Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	<i>Total Plan Implementation Expenses Not Paid by the Fund</i>			
Line 15c	<i>Tax Administrator Fees & Bonds Not Paid by the Fund</i>			
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			
Line 16	Disbursements to Court/Other Not Paid by the Fund:			
Line 16a	Investment Expenses/CRIS Fees			
Line 16b	Federal Tax Payments			
	Total Disbursements to Court/Other Not Paid by the Fund:			
Line 17	DC & State Tax Payments			
Line 18	No. of Claims:			
Line 18a	# of Claims Received This Reporting Period.....			
Line 18b	# of Claims Received Since Inception of Fund.....			2,781
Line 19	No. of Claimants/Investors:			
Line 19a	# of Claimants/Investors Paid This Reporting Period.....			
Line 19b	# of Claimants/Investors Paid Since Inception of Fund.....			2

Receiver: _____
 By: William J. Brown
 (signature)
William J. Brown
 (printed name)
Receiver
 (title)
 Date: 8/14/2017

WILLIAM J. BROWN, ESQ
RECEIVER

PHILLIPS LYTTLE LLP
125 MAIN STREET
BUFFALO, NY 14203
PHONE 716 847 7089

STANDARDIZED FUND ACCOUNTING REPORT

CIVIL DISTRIBUTION FUND

MCGINN, SMITH & CO. INC. ET. AL.
CIVIL COURT DOCKET No.
10-CV-457(GLS/DRN)

REPORTING PERIOD 4/1/2017 TO 6/30/2017

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
Reporting Period 4/1/17 to 6/30/17

FUND ACCOUNTING (See Instructions):				
		Detail	Subtotal	Grand Total
Line 1	Beginning Balance (As of 3/31/2017):	21,357,413	21,357,413	21,357,413
	Increases in Fund Balance:			
Line 2	Business Income		-	-
Line 3	Cash and Securities			
Line 4	Interest/Dividend Income	7,955	7,955	7,955
Line 5	Business Asset Liquidation		-	-
Line 6	Personal Asset Liquidation			
Line 7	Third-Party Litigation Income	1,671	1,671	1,671
Line 8	Miscellaneous - Other		-	-
	Total Funds Available (Lines 1 - 8):	9,626	9,626	9,626
	Decreases in Fund Balance:			
Line 9	Disbursements to Investors			
Line 10	Disbursements for Receivership Operations			
Line 10a	Disbursements to Receiver or Other Professionals		-	-
Line 10b	Business Asset Expenses	14,995	14,995	14,995
Line 10c	Personal Asset Expenses			
Line 10d	Investment Expenses			
Line 10e	Third-Party Litigation Expenses			
	1. Attorney Fees			
	2. Litigation Expenses			
	Total Third-Party Litigation Expenses			
Line 10f	Tax Administrator Fees and Bonds			
Line 10g	Federal and State Tax Payments			
	Total Disbursements for Receivership Operations	14,995	14,995	14,995
Line 11	Disbursements for Distribution Expenses Paid by the Fund:			
Line 11a	Distribution Plan Development Expenses:			
	1. Fees:			
	Fund Administrator.....			
	Independent Distribution Consultant (IDC).....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	Total Plan Development Expenses			
Line 11b	Distribution Plan Implementation Expenses:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR) Reporting Expenses			
	Total Plan Implementation Expenses			
	Total Disbursements for Distribution Expenses Paid by the Fund			
Line 12	Disbursements to Court/Other:			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			
Line 12b	Federal Tax Payments			
	Total Disbursements to Court/Other:			
	Total Funds Disbursed (Lines 9 - 11):			
Line 13	Ending Balance (As of 6/30/2014):			21,352,044

STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis
Receivership; Civil Court Docket No. 10-CV-457(GLS/DRN)
Reporting Period 4/1/17 to 6/30/17

Line 14	Ending Balance of Fund – Net Assets:			
Line 14a	Cash & Cash Equivalents			
Line 14b	Investments			
Line 14c	Other Assets or Uncleared Funds			
	Total Ending Balance of Fund – Net Assets			\$ 21,352,044

OTHER SUPPLEMENTAL INFORMATION:				
		Detail	Subtotal	Grand Total
	Report of Items NOT To Be Paid by the Fund:			
Line 15	Disbursements for Plan Administration Expenses Not Paid by the Fund:			
Line 15a	<i>Plan Development Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<i>Total Plan Development Expenses Not Paid by the Fund</i>			
Line 15b	<i>Plan Implementation Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	<i>Total Plan Implementation Expenses Not Paid by the Fund</i>			
Line 15c	<i>Tax Administrator Fees & Bonds Not Paid by the Fund</i>			
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			
Line 16	Disbursements to Court/Other Not Paid by the Fund:			
Line 16a	Investment Expenses/CRIS Fees			
Line 16b	Federal Tax Payments			
	Total Disbursements to Court/Other Not Paid by the Fund:			
Line 17	DC & State Tax Payments			
Line 18	No. of Claims:			
Line 18a	# of Claims Received This Reporting Period.....			
Line 18b	# of Claims Received Since Inception of Fund.....			2,781
Line 19	No. of Claimants/Investors:			
Line 19a	# of Claimants/Investors Paid This Reporting Period.....			
Line 19b	# of Claimants/Investors Paid Since Inception of Fund.....			2

Receiver:
 By: William J. Brown
 (signature)
William J. Brown
 (printed name)
Receiver
 (title)
 Date: 8/14/2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

vs. :

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

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, 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. :

-----X

**ORDER APPROVING NINTH INTERIM APPLICATION OF
PHILLIPS LYTLE LLP AND THE RECEIVER FOR ALLOWANCE OF
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Upon the Ninth Interim Application of Phillips Lytle LLP (“Phillips Lytle”) and the Receiver (“Receiver”) for Allowance of Compensation and Reimbursement of Expenses dated November 7, 2017 (“Application”) for an order approving the allowance of compensation and reimbursement of expenses; and notice of the Application having been given to the

Securities and Exchange Commission and all parties who have filed a Notice of Appearance in this action and all creditors of the McGinn Smith Entities and other parties in interest via the Receiver's website, which notice is deemed good and sufficient notice; and the Court having determined that sufficient cause exists; it is therefore

ORDERED, that the Application is approved such that (i) compensation for legal and Receiver services rendered between July 1, 2016 and June 30, 2017 ("Ninth Interim Period") in the amount of \$95,281.27 is allowed as an interim allowance, and (ii) reimbursement of expenses advanced by Phillips Lytle during the Ninth Interim Period in the amount of \$2,058.27 is allowed as an interim disbursement payment; and it is further

ORDERED, that the Receiver is authorized and directed to pay the amounts as allowed pursuant to this Order.

Dated: _____, 2017

HON. CHRISTIAN F. HUMMEL

Doc #01-3072753.2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

vs. :

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

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, 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. :

-----X

CERTIFICATE OF SERVICE

I, Karen M. Ludlow, being at all times over 18 years of age, hereby certify that on November 7, 2017, a true and correct copy of the Notice and Ninth Interim Application of Phillips Lytle LLP and the Receiver for Allowance of Compensation and Reimbursement of Expenses (“Ninth Interim Application”) was caused to be served by e-mail upon all parties who receive electronic notice in this case pursuant to the Court’s ECF filing system, and by First Class Mail to the parties indicated below:

- **William J. Brown** wbrown@phillipslytle.com, khatch@phillipslytle.com
- **Certain McGinn Smith Investors** apark@weirpartners.com
- **Elizabeth C. Coombe** elizabeth.c.coombe@usdoj.gov, paul.condon@usdoj.gov, CaseView.ECF@usdoj.gov, kelly.ciccarelli@usdoj.gov
- **William J. Dreyer** wdreyer@dreyerboyajian.com, bhill@dreyerboyajian.com, lowens@dreyerboyajian.com, coconnell@dreyerboyajian.com

- **Scott J. Ely** sely@elylawpllc.com,shm@fwc-law.com
- **James D. Featherstonhaugh** jdf@fwc-law.com,jsm@fwc-law.com,cr@fwc-law.com,shm@fwc-law.com
- **James H. Glavin , IV** hglavin@glavinandglavin.com
- **Bonnie R. Golub** bgolub@weirpartners.com
- **Erin K. Higgins** EHiggins@ckrpf.com
- **Benjamin W. Hill** bhill@dreyerboyajian.com, jcantoni@dreyerboyajian.com, coconnell@dreyerboyajian.com
- **E. Stewart Jones , Jr** esjones@joneshacker.com, mleonard@joneshacker.com, pcampione@joneshacker.com,kjones@joneshacker.com
- **Edward T. Kang** ekang@khflaw.com, mlagoumis@khflaw.com, jarcher@khflaw.com, mmoyes@khflaw.com,jpark@khflaw.com,golberding@KHFlaw.com
- **Jack Kaufman** kaufmanja@sec.gov
- **Michael A. Kornstein** mkornstein@coopererving.com
- **James P. Lagios** jlagios@icrh.com,rlaport@icrh.com
- **Kevin Laurilliard** laurilliard@mltw.com,chandler@mltw.com
- **James D. Linnan** jdlinnan@linnan-fallon.com,lawinfo@linnan-fallon.com
- **Haimavathi V. Marlier** marlierh@sec.gov
- **Jonathan S. McCardle** jsm@fwc-law.com
- **Kevin P. McGrath** mcgrathk@sec.gov
- **Lara S. Mehraban** mehrabanl@sec.gov,marlierh@sec.gov
- **Michael J. Murphy** mmurphy@carterconboy.com, abell@carterconboy.com, tcozzy@carterconboy.com
- **Joshua M. Newville** newvillej@sec.gov
- **Craig H. Norman** cnorman@chnesq.com,jbugos@coopererving.com
- **Andrew Park** apark@weirpartners.com,imarciniszyn@weirpartners.com
- **Thomas E. Peisch** TPeisch@ckrpf.com,apower@ckrpf.com
- **Terri L. Reicher** Terri.Reicher@finra.org
- **Richard L. Reiter** reiterr@wemed.com,richard.reiter@wilsonelser.com
- **Sheldon L. Solow** sheldon.solow@kayescholer.com, kenneth.anderson@kayescholer.com
- **David P. Stoelting** stoeltingd@sec.gov, mehrabanl@sec.gov, mcgrathk@sec.gov, paleym@sec.gov,wbrown@phillipslytle.com
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And, I hereby certify that on November 7, 2017, I mailed, via first class mail using the United States Postal Service, a copy of the Ninth Interim Application to the individuals listed below:

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