

**ECKERT  
SEAMANS**  
ATTORNEYS AT LAW

Eckert Seamans Cherin & Mellott, LLC  
10 Bank Street  
Suite 700  
White Plains, NY 10606

TEL 914 949 2909  
FAX 914 949 5424  
www.eckertseamans.com

Steven R. Kramer  
Direct Dial: 914-949-3760  
skramer@eckertseamans.com

October 29, 2019

*Via Regular Mail*

Hon. Gary L. Sharpe, Senior U.S. District Judge  
Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway, Room 112  
Albany, NY 12207

Re: *SEC v. McGinn, Smith & Co., Inc., et al.*  
Case 1:10-cv-00457-GLS-CFH

Dear Judge Sharpe:

We are personal counsel to Mr. Joseph Allegretta, Mrs. Suzanne Allegretta and the JAT Construction Co. Defined Benefit Pension Plan (collectively referred to as the "Allegrettas"). We provide the following status report to the Court.

We recently received an inquiry from the Receiver, Mr. William J. Brown, Esq., about the status of claims made by the Allegrettas in this action before this Court.

By way of background, the Allegrettas had commenced an action in 2010 in State Supreme Court, Albany County, entitled *In the Matter of Joseph and Suzanne Allegretta, et al. v. McGinn, Smith & Co., Inc., et al.* (Index No. 2661-10) (the "State Supreme Court Action").

As the Receiver's August 21, 2019 letter represented to the Court in the State Supreme Court Action, "[i]t is true that the Receiver has agreed to terms to resolve the claims of the Allegrettas and JAT Construction Co. Defined Benefit Pension Plan...." I responded to the Receiver that once the motion by counsel of record for the Allegrettas in the State Supreme Court Action to withdraw as counsel has been decided, I would enter an appearance in the State Supreme Court Action and file a stipulation of discontinuance with prejudice in the State Supreme Court Action, which is a requirement of the Receiver.

Respectfully submitted,

  
Steven R. Kramer

SRK:pm



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Kevin Laurilliard, Esq.  
McNamee Lochner P.C.  
677 Broadway, #500  
Albany, NY 12207

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