



UNITED STATES  
**SECURITIES AND EXCHANGE COMMISSION**

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

DIVISION OF  
ENFORCEMENT

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March 9, 2020

**BY ECF**

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

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

Dear Judge Sharpe:

The Turnover Order entered by the Court on February 18 (Dkt. 1113) was directed to the “John Hancock Life Insurance Co.” I have since been informed by counsel for John Hancock that the proper entity is named “John Hancock Life Insurance Company (USA).” Accordingly, I am submitting a revised order with this amendment, and respectfully request that the Court approve the amended Proposed Order.

Respectfully submitted,

*/s David Stoelting*

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David Stoelting

cc (by email and ECF): William J. Dreyer, Esq., counsel to Defendant David L. Smith  
E. Stewart Jones, counsel to Defendant Timothy McGinn  
William J. Brown, Esq., Receiver



<u>Beneficiary</u>	<u>Financial Institution</u>	<u>Account No.</u>	<u>Balance (approx.)</u>
David Smith (401K) SSN: XXX-XX-XX09 DOB: XX/XX/1945	JHLICO (USA) Retirement Plan Services P.O. Box 600 Buffalo, NY 14201-0600	-1561	\$ 133,418.26 (plus the value of any uncashed checks)
Timothy M. McGinn (401K) SSN: XXXX-XX-XX51 DOB: XX/XX/1948	JHLICO (USA) Retirement Plan Services P.O. Box 600 Buffalo, NY 14201-0600	-1561	\$ 5,740.40 (plus the value of any uncashed checks)

JHLICO (USA) shall, within 14 days of the service of this turnover order, make such payment to the Receiver, for inclusion in the receivership estate in this action and distribution pursuant to the Court-approved Plan. Payment shall be: (a) made by United States postal money order, certified check, bank cashier's check, or bank money order; (b) made payable to "William J. Brown, Receiver"; (c) hand-delivered or mailed to William J. Brown, Phillips Lytle LLP, Omni Plaza, 30 South Pearl Street, Albany, NY 12207; and (d) submitted with a copy of this Order and a cover letter that identifies: (i) John Hancock Life as submitting the payment and (ii) the name and number of this proceeding (*SEC v. McGinn Smith & Co., Inc.*, 10-cv-457 (N.D.N.Y.)). Further, Respondent shall simultaneously transmit photocopies of evidence of payment, the cover letter sent to the Receiver, and this Order to David Stoelting, Senior Trial Counsel, Division of Enforcement, Securities and Exchange Commission, 200 Vesey Street, Suite 400, New York, NY 10281.

**II.**

**ORDERED** that this Court shall retain jurisdiction to enforce compliance with this Order.

Dated: Albany, New York  
\_\_\_\_\_, 2020

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UNITED STATES DISTRICT JUDGE