



NEW YORK  
REGIONAL OFFICE

UNITED STATES  
**SECURITIES AND EXCHANGE COMMISSION**  
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400  
NEW YORK, NY 10281-1022

August 3, 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:

Plaintiff Securities and Exchange Commission respectfully encloses for the Court's consideration and approval a proposed *Turnover Order (Fed. R. Civ. P. 69(a) and NY CPLR §§ 5225(b) and 5227) to National Financial Services LLC* (the "Proposed Order").

If approved by the Court, the Proposed Order would require National Financial Services LLC to turn over to the Receiver, for distribution pursuant to the Court-approved plan, the funds in a bank account account in the name of defendant and judgment-debtor Timothy McGinn.

Respectfully submitted,

*/s David Stoelting*

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David Stoelting

cc (by email and ECF):

E. Stewart Jones, counsel to Defendant Timothy McGinn  
William J. Brown, Esq., Receiver

Attachment

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**SECURITIES AND EXCHANGE COMMISSION,**

*Plaintiff,*

v.

**McGINN, SMITH & CO., INC., et al.,**

*Defendants.*

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10 Civ. 457-GLS-CFH

**[PROPOSED] TURNOVER ORDER (FED. R. CIV. P. 69(a) AND  
NY CPLR §§ 5225(b) AND 5227) TO NATIONAL FINANCIAL SERVICES LLC**

The Plaintiff-Judgment Creditor Securities and Exchange Commission (the “Commission”) having moved for a turnover order pursuant to Rule 69(a) of the Federal Rules of Civil Procedure and New York Civil Practice Law and Rules (“NY CPLR”) §§ 5225(b) and 5227, directed to the Respondent National Financial Services, LLC (“NFS”), and the Court having considered the papers submitted on such motion, and it appearing that such an order should be issued, it is hereby:

**I.**

**ORDERED** that the Respondent NFS shall turn over to the Court-appointed Receiver, William J. Brown, Esq. (the “Receiver”) certain property in its hands described as the balances in the following account:

<u>Account Holder</u>	<u>Financial Institution</u>	<u>Account No.</u>	<u>Balance (approx.)</u>
Timothy McGinn	NFS	RMR XX2745	\$ 262

NFS 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) NFS 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