

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION

*Plaintiff,*

vs.

**NOTICE OF APPEARANCE**

McGINN, SMITH & CO., INC.,  
McGINN, SMITH ADVISORS, LLC,  
McGINN, SMITH CAPITAL HOLDINGS CORP.,  
FIRST ADVISORY INCOME NOTES, LLC,  
FIRST EXCELSIOR INCOME NOTES, LLC  
FIRST INDEPENDENT INCOME NOTES, LLC,  
THIRD ALBANY INCOME NOTES, LLC,  
TIMOTHY M. McGINN, AND  
DAVID L. SMITH,

*Defendants, and*

LYNN A. SMITH,

*Relief Defendant.*

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

To the Clerk of this court and all parties of record:

**PLEASE TAKE NOTICE** that James D. Featherstonhaugh, Esq., Featherstonhaugh, Wiley & Clyne LLP, hereby appears as counsel of record for Relief Defendant LYNN A. SMITH, in the above-captioned action. I certify that I am admitted to practice in this court.

Dated: April 29, 2010

**FEATHERSTONHAUGH,  
WILEY & CLYNE LLP**

By: s/James D. Featherstonhaugh

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James D. Featherstonhaugh, Esq.  
Bar Roll No. 101616  
99 Pine Street, Suite 207  
Albany, NY 12207  
Telephone (518) 436-0786  
Fax (518) 427-0452  
Email: [jdf@fwc-law.com](mailto:jdf@fwc-law.com)

TO: David Stoelting  
Attorney for Plaintiff  
Securities and Exchange Commission  
3 World Financial Center, Room 400  
New York, NY 10281

William J. Brown  
Phillips Lytle LLP  
Receiver for Entity Defendants  
3400 HSBC Center  
Buffalo, NY 14203-2887