

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

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

No. 10-CV-457  
(GLS/DRH)

McGINN, SMITH & CO., et al.,

Defendants.

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**DAVID R. HOMER  
U.S. MAGISTRATE JUDGE**


**ORDER APPROVING FIRST APPLICATION OF RECEIVER  
FOR PAYMENT OF COSTS, FEES, AND EXPENSES**

Upon the first application of the Receiver (“Receiver”) for an order allowing the payment of costs, fee, and expenses filed November 24, 2010 (Dkt. No. 201) (“First Application”), and notice of the Application having been given to all parties who have appeared in this action, 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; the Court having determined that sufficient cause exists and without objection from any party, creditor, or party-in-interest, it is therefore

**ORDERED** that the First Application is approved such that payment for (I) legal and Receiver fees incurred between April 13 and July 31, 2010 (“First Interim Period”) in the amount of \$174,452.75 is allowed as an interim allowance, and (ii) costs and expenses incurred during the First Interim Period in the amount of \$19,644.22 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: January 12, 2011

A handwritten signature in black ink that reads "David R. Homer". The signature is written in a cursive style with a large initial 'D' and 'H'.

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David R. Homer  
U.S. Magistrate Judge