

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION :

Plaintiff, :

v. :

MCGINN, SMITH & CO., INC, :
MCGINN, SMITH ADVISORS, LLC, :
MCGINN, SMITH CAPITAL HOLDINGS CORP., :
FIRST ADVISORY INCOME NOTES, LLC, :
FIRST EXCELSIOR INCOME NOTES, LLC, :
FIRST INDEPENDENTS INCOME NOTES, LLC, :
THIRD ALBANY INCOME NOTES, LLC, :
TIMOTHY M. MCGINN, AND DAVID L. :
SMITH, GEOFFREY R. SMITH, Individually and :
as Trustee of the David L. and Lynn A. Smith :
Irrevocable Trust U/A 8/04/04, :
LAUREN T. SMITH, and NANCY MCGINN, :

CASE NO. 1:10-CV-457
(GLS/CPH)

Defendants, :

LYNN A. SMITH and NANCY MCGINN, :

Relief Defendants, :

-and- :

GEOFFREY R. SMITH, Trustee of the David L. :
and Lynn A. Smith Irrevocable Trust U/A 8/04/04 :

Intervenor. :

MOTION FOR ADMISSION *PRO HAC VICE*

Pursuant to Rule 83.1 of the Local Rules of the United States District Court for the Northern District of New York, I, Bonnie R. Golub, hereby move this court for an Order for the admission of Walter Weir, Jr. ("Petitioner") to practice *pro hac vice* to appear as counsel for interested parties, Certain McGinn Smith Investors, in the above-captioned action. The Motion is supported by the attached Affidavit of Sponsor and Petitioner's proposed Order, Petition for

Admission to Practice, Attorney E-Filing Registration Form, Oath of Admission and Certificate of Good Standing. Petitioner is in good standing of the bar of the Commonwealth of Pennsylvania and there are no pending disciplinary proceedings against him in any state or federal court.

Respectfully submitted,

WEIR & PARTNERS LLP
A Pennsylvania Limited Liability Partnership

By: /s/ Bonnie R. Golub
Bonnie R. Golub, Esquire (NY Bar #4706818)
767 Third Ave, 30th Floor
New York, NY 10017
(917) 475-8885
(917) 475-8884 (Fax)
bgolub@weirpartners.com

*Counsel for Interested Parties
Certain McGinn Smith Investors*

Dated: February 17, 2016

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

~~~~~  
Petition of : Walter Weir, Jr.

AFFIDAVIT  
OF  
SPONSOR

~~~~~  
STATE OF NEW YORK New York
COUNTY OF _____

Bonnie R. Golub, being duly sworn, depose and say:

1. That I am an attorney associated with the law firm of Weir & Partners LLP,
and am a member in good standing with the United States District Court for the Northern District of
New York. My NYND Bar Roll Number is: 4706818.
2. I make this affidavit in support of the admission of Walter Weir, Jr.
3. I have known Walter Weir, Jr. since 1995,
and find him / her to be of high moral character and suitable for admission to the United States District
Court for the Northern District of New York.

~~~~~

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 17th, day of February, 2016.

  
\_\_\_\_\_  
SPONSOR

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

**IN THE MATTER OF THE APPLICATION OF**

Walter Weir, Jr.

**TO BE ADMITTED TO THE UNITED STATES  
DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF NEW YORK**

**ORDER**

Upon fulfilling the requirements set forth in Local Rule 83.1 of the Northern District of  
New York, Walter Weir, Jr. is hereby accepted for

- ☐ Permanent Admission to practice in the United States District Court for the  
Northern District of New York.
- ☒ Pro Hac Vice Admission to practice in the United States District Court for the  
Northern District of New York for the particular case of :

\_\_\_\_\_.

IT IS SO ORDERED

Dated : \_\_\_\_\_

\_\_\_\_\_  
☐ U.S. District Judge  
☐ U.S. Magistrate Judge

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE APPLICATION

OF

PETITION FOR  
ADMISSION TO PRACTICE

Walter Weir, Jr.

I, Walter Weir, Jr., being sworn, depose and say:

1. That I reside at 850 Andorra Road, Lafayette Hill, PA 19444 and my office address is 1339 Chestnut Street, Suite 500, Philadelphia, PA 19107.
2. That I was admitted to practice in the courts of the State of Pennsylvania on 10/22/76, by the Supreme Court of PA Department.
3. That I graduated from Temple Law School on 8/31/73 after having completed the required courses of study.
4. That I have never been held in contempt of court, censured, suspended or disbarred by any court.<sup>1</sup>
5. That I am also admitted to practice in the following States, territories, districts, commonwealths or other courts of the United States:

| BAR                             | DATE    |
|---------------------------------|---------|
| <u>See Exhibit "A" Attached</u> | <u></u> |
| <u></u>                         | <u></u> |
| <u></u>                         | <u></u> |
| <u></u>                         | <u></u> |

6. That I have read, and am familiar with: The Judicial Code (Title 28 U.S.C.); the Federal Rules of Civil Procedure and the Federal Rules of Evidence for the District Courts; the Federal Rules of Criminal Procedure for the District Courts; the Local Rules and General Orders for the Northern District of New York; and the N.Y.S. Rules of Professional Conduct and will faithfully adhere thereto.

WHEREFORE it is respectfully requested that this court order that Petitioner,

Walter Weir, Jr., be admitted to practice before the Bar of this Court.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 17th, day of February, 2016.

PETITIONER

<sup>1)</sup> Discipline Orders issued by any Court prior to executing this Petition must be attached.

## **EXHIBIT “A”**

**Walter Weir, Jr., Esquire**

| <b>Title of Court</b>                                        | <b>Date of Admission</b> |
|--------------------------------------------------------------|--------------------------|
| Supreme Court of Pennsylvania                                | 10/22/76                 |
| U.S. District court for the Eastern District of Pennsylvania | 10/22/76                 |
| U.S. District Court for the Middle District of Pennsylvania  | 01/28/98                 |
| U.S. District court for the Western District of Pennsylvania | 09/18/84                 |
| New Jersey Supreme Court                                     | 12/16/82                 |
| U.S. District Court for the District of New Jersey           | 12/16/82                 |
| District of Columbia Court of Appeals                        | 06/17/77                 |
| U.S. Supreme Court                                           | 01/16/84                 |
| U.S. Court of Appeals for the Third Circuit                  | 06/11/80                 |



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

NEW ATTORNEY E-FILEING REGISTRATION FORM  
PLEASE TYPE

This form is used for creating new accounts (**Newly Admitted Attorneys Only**) on the Court's Electronic Case Filing System(ECF).

First Name: Walter Middle Name: \_\_\_\_\_  
 Last Name: Weir If appropriate, check one: Sr. ☐ Jr. ☒ II ☐ III ☐  
 Firm Name: Weir & Partners LLP  
 Firm Address: 1339 Chestnut Street, Suite 500  
 \_\_\_\_\_  
 City: Philadelphia State: PA Zip Code 19107  
 Firm Phone Number: (215) 665-8181 Direct Dial Number: (215) 241-7751  
 Fax Number: (215) 665-8191 Internet E-Mail Address: wweir@weirpartners.com

The following information must be completed by attorneys applying for admission and submitted with your petition:

TYPE OF ADMISSION APPLIED FOR: ☐ PERMANENT ☒ PRO-HAC VICE - Case Number Required: 1:10-cv-00457-GLS-CFH

By submitting this printed and signed form, I hereby agree to abide by all Court rules, orders, policies and procedures governing the use of the electronic filing system (CM/ECF). I also consent to service by electronic means in the circumstances permitted under those rules, orders, policies and procedures. I understand that the combination of user i.d. (Bar Roll #) and password will serve as my signature for filing documents pursuant to Rule 11 of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of this court. I agree to protect the security of my password and immediately notify the Clerk of Court if I suspect my password has been compromised. Also, as a participating attorney, I will promptly notify the Clerk of Court if there is a change in my personal data, such as name, e-mail address, firm address, telephone number, etc.

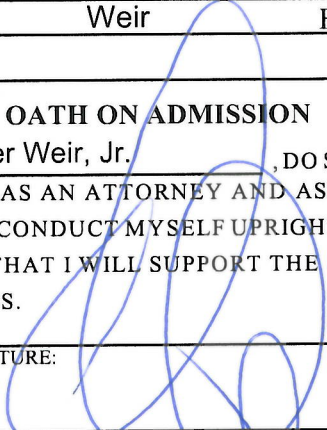
Attorney Signature: \_\_\_\_\_  
 Date: 02/17/2016

COURT USE ONLY

Assigned Bar Roll # \_\_\_\_\_  
 Receipt # \_\_\_\_\_  
 Date of Admission: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 Revised: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ By: \_\_\_\_\_



AO 153 (Rev. 6/96)

|                                                                                                                                                                                                                                                    |                                                                                                 |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------|
| Name: LAST, Weir FIRST Walter                                                                                                                                                                                                                      |                                                                                                 |                       |
| <b>OATH ON ADMISSION</b>                                                                                                                                                                                                                           |                                                                                                 |                       |
| I, <u>Walter Weir, Jr.</u> , DO SOLEMNLY SWEAR<br>(OR AFFIRM) THAT AS AN ATTORNEY AND AS A COUNSELOR OF<br>THIS COURT I WILL CONDUCT MYSELF UPRIGHTLY AND ACCORD-<br>ING TO LAW, AND THAT I WILL SUPPORT THE CONSTITUTION OF<br>THE UNITED STATES. |                                                                                                 |                       |
| DATE:<br>02/17/2016                                                                                                                                                                                                                                | SIGNATURE:<br> | BAR I.D. NO.<br>23137 |

AO 153 (Rev. 6/96)

|                                                 |             |                            |
|-------------------------------------------------|-------------|----------------------------|
| FIRM NAME<br>Weir & Partners LLP                |             | TEL. NO.<br>(215) 665-8181 |
| FIRM ADDRESS<br>1339 Chestnut Street, Suite 500 |             |                            |
| CITY<br>Philadelphia                            | STATE<br>PA | ZIP CODE<br>19107          |
| <b>BELOW FOR OFFICE USE ONLY</b>                |             |                            |
| SWORN AND SUBSCRIBED BEFORE ME,                 |             | DATE                       |
| ADMITTED ON MOTION OF: (Movant)                 |             |                            |



Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

***Walter Weir Jr., Esq.***

**DATE OF ADMISSION**

***October 22, 1976***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: February 10, 2016**

A handwritten signature in black ink, reading "John W. Person, Jr." with a stylized flourish at the end.

John W. Person Jr., Esq.  
Deputy Prothonotary