

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
SECURITIES AND EXCHANGE COMMISSION :

*Plaintiff,*

vs.

Case No. 1:10-CV-457  
(AMN/PJE)

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, 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,

*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.*

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**NOTICE OF FINAL  
APPLICATION OF PHILLIPS LYTLE LLP AND THE  
RECEIVER FOR ALLOWANCE OF COMPENSATION  
AND REIMBURSEMENT OF EXPENSES**

PLEASE TAKE NOTICE that upon the Final Application of Phillips Lytle LLP and the Receiver for Allowance of Compensation and Reimbursement of Expenses (“Final Application”), Phillips Lytle LLP (“Phillips Lytle”) will move before the Hon. Paul J. Evangelista, United States Magistrate Judge, United States District Court for the Northern District of New York, James T. Foley - U.S. Courthouse, 445 Broadway, Albany, New York 12207-2924, on a date to be scheduled by the Court, seeking an Order to be entered approving

the Final Application of Phillips Lytle and the Receiver for final compensation and reimbursement of expenses for the eleven-month period from March 1, 2024 through January 31, 2025 in connection with legal services performed for William J. Brown, Esq., the Receiver for the McGinn Smith Entities and the services of the Receiver. No oral argument is requested.

PLEASE TAKE FURTHER NOTICE that attached is the cover sheet for the Final Application, indicating the nature and dates of the services rendered by Phillips Lytle and the Receiver, as well as the total amount sought by Phillips Lytle and the Receiver for interim compensation and reimbursement of expenses. The complete Final Application of Phillips Lytle is filed with the United States District Court and will be available for review electronically at the Office of the Clerk, United States District Court, Northern District of New York, James T. Foley U.S. Courthouse, 445 Broadway, Room 509, Albany, New York 12207-2924 or online, at the Court's website ([www.nynd.uscourts.gov](http://www.nynd.uscourts.gov)), or at the website of the Receiver ([www.mcginnsmithreceiver.com](http://www.mcginnsmithreceiver.com)). Copies can also be obtained upon written request to Phillips Lytle.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Final Application must be made in writing in accordance with the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Northern District of New York.

Dated: March 17, 2025

PHILLIPS LYTLE LLP

By /s/ William J. Brown  
William J. Brown (Bar Roll #601330)  
Catherine N. Eisenhut (Bar Roll #520849)  
Attorneys for Receiver  
Omni Plaza  
30 South Pearl Street  
Albany, New York 12207  
Telephone No. (518) 472-1224

and

One Canalside  
125 Main Street  
Buffalo, New York 14203  
Telephone No.: (716) 847-8400

Doc #12429874.1

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Individually and as Trustee of the David L. and :  
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LAUREN T. SMITH, and NANCY McGINN, :

*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.* :

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**FACE SHEET PURSUANT TO LOCAL RULE 2016-1  
FOR FINAL APPLICATION BY ATTORNEYS  
FOR RECEIVER AND THE RECEIVER FOR ALLOWANCE OF  
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

APPLICANT'S NAME: Phillips Lytle LLP and William J. Brown, as  
Receiver

APPLICANT'S ADDRESS: Omni Plaza  
30 South Pearl Street  
Albany, New York 12207

DATE APPLICANT APPOINTED: April 20, 2010

NATURE OF SERVICES RENDERED: Legal services rendered for William J. Brown, Receiver, with respect to McGinn, Smith & Co., Inc., et al. and for Receiver services and expenses for the period from March 1, 2024 through January 31, 2025

AMOUNT OF COMPENSATION SOUGHT FOR FEES FROM MARCH 1, 2024 THROUGH JANUARY 31, 2025 \$90,935.19 (including Phillips Lytle and Receiver's fees at pre-arranged discounted hourly rates) at 7.5% for Phillips Lytle and \$225.00 rather than \$600.00 - \$650.00 per hour for the Receiver

AMOUNT OF COMPENSATION SOUGHT FOR EXPENSES FROM MARCH 1, 2024 THROUGH JANUARY 31, 2025 \$1,881.82

Dated: March 17, 2025

PHILLIPS LYTLE LLP

By /s/ William J. Brown  
William J. Brown (Bar Roll #601330)  
Catherine N. Eisenhut (Bar Roll #520849)  
Attorneys for the Receiver  
Omni Plaza  
30 South Pearl Street  
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LAUREN T. SMITH, and NANCY MCGINN, :

*Defendants,* :

LYNN A. SMITH and :  
NANCY MCGINN, :

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

*Intervenor.* :

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**FINAL APPLICATION OF PHILLIPS LYTTLE LLP  
AND THE RECEIVER FOR ALLOWANCE OF  
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Phillips Lytle LLP (“Phillips Lytle”) submits this final fee application (“Final Fee Application”) for allowance of final compensation and reimbursement of expenses for the eleven-month period from March 1, 2024 through January 31, 2025 pursuant to Section XIV of

this Court's Preliminary Injunction Order (Docket No. 96). Attached as **Exhibit A** is the Declaration of William J. Brown, Esq. in support of the Final Fee Application. Phillips Lytle respectfully represents as follows:

### **INTRODUCTION**

1. The Securities and Exchange Commission ("SEC") commenced this action against McGinn Smith & Co., Inc., et al. in the United States District Court for the Northern District of New York on April 20, 2010 wherein William J. Brown, Esq. was appointed as temporary Receiver for certain of the defendants and other entities in the action ("Receiver") (Docket No. 5). The SEC's Complaint was subsequently amended (Docket No. 100 on August 3, 2011 and Docket No. 334 on June 8, 2011), and the Preliminary Injunction Order was entered on July 22, 2010 appointing William J. Brown as the permanent Receiver.

2. During the period from March 1, 2024 to January 31, 2025 ("Final Period"), Phillips Lytle performed extensive legal services for the Receiver, and the Receiver performed extensive non-legal or quasi-legal functions, which are each more particularly described below and itemized in the detailed time and disbursement records attached as **Exhibit B**.

3. As a public service discount, the legal fees incurred in this case are being performed with a current 7.5% discount on the hourly rates of Phillips Lytle pursuant to a prior agreement with the SEC. Similarly, the Receiver's hourly rate for this engagement is \$225.00 per hour rather than his 2024-2025 hourly rate of \$600.00 - \$650.00 per hour, again per prior agreement with the SEC.

4. As a result, legal services at full value in this Final Period total \$78,897.50, while the amount to be paid less the 7.5% discount if this Application is approved is \$72,980.19. The Receiver's services at full value of \$600.00 - \$650.00 per hour in this

Final Period total \$49,180.00, while the amount to be paid if this Application is granted are \$17,955.00 at \$225.00 per hour. This makes the total amount sought pursuant to this Application to be \$90,935.19 in fees and \$1,881.82 in disbursements.

### **CASE STATUS**

5. This case is now in the final stage of closing following the U.S. Supreme Court's denial of David Smith's Writ of Certiorari on October 30, 2023. That denial of Mr. Smith's last surprising motion to vacate the SEC's judgment against him, entered nearly six years before, allowed the Receiver to resume the closing process for this Receivership consisting of 78 entities, and make the Fourth Distribution to investors with allowed claims.

6. As of February 7, 2025, there is \$158,219.64 on hand in Receiver accounts, with \$22,963,431.68 having been distributed to investors with allowed claims through the completed First, Second, Third and Fourth Investor Distribution process. The cash on hand does not reflect uncashed vendor checks. Any uncashed distribution checks have been voided. The process of issuing first distribution checks representing payment of 10% of allowed claim amounts to investors concluded on October 2, 2020, the second round of investor distributions also representing another 10% of allowed claim amounts to investors concluded on May 11, 2021, the third round of investor distributions representing 3.84% of allowed claim amounts commenced on May 17, 2021, and the fourth round of investor distributions representing 1.2% of allowed claim amounts commenced on January 8, 2024 (after the US Supreme Court's denial of writ of certiorari as to Mr. Smith's motion) and is now complete. All post-Receiver obligations are current and paid on a current basis other than the amounts sought in professional fee applications. The monies held in the Receiver's accounts are unencumbered. When this estate was commenced in April 2010, there was \$485,491.63 on hand. Total distributions to investors with allowed claims is 25.04%.

7. Currently, the investor and creditor claims bar date and the equity claims bar dates have passed following the successful administration of claims notice procedures. Judgments in favor of the SEC in its action against David L. Smith, Lynn Smith, the Smith Trust, Geoffrey Smith, Lauren Smith and Timothy McGinn were entered in June and July 2015. The Second Circuit upheld those judgments in a decision on April 18, 2016.

8. There are approximately \$124,123,595 in investor claims, some of which have been subject to objection or various grounds. Net claims appear to be in the range of \$111,128,066.92. At present, it appears that further investor recoveries are not likely.

9. A Plan of Distribution was filed on December 30, 2015 (Docket No. 847), and a Memorandum-Decision and Order approving the Plan of Distribution was entered on October 31, 2016 (Docket No. 904).

10. The Receiver began the process of preparing to formally close the receivership portion of this case in 2020 by filing on July 24, 2020 the Motion for Approval of Destruction of Files, etc. (Docket No. 1133) which was approved by the Court on November 11, 2020 (Docket No. 1165), in addition to the Receiver's earlier steps to file final tax returns for many receivership entities. Additionally, in early 2021, many Certificates of Dissolution were filed with various states seeking to dissolve inactive receivership entities.

11. On June 3, 2021, however, defendant David L. Smith filed his motion ("Motion to Vacate") (Docket No. 1195) to vacate the final civil judgment against him six years prior for disgorgement of more than \$87 million in profits from his Ponzi scheme plus prejudgment interest. He also sought return of over \$4 million in fraudulent proceeds. Both the SEC and the Receiver filed Responses to the Motion to Vacate asserting that Smith is not entitled to any such relief and, in addition, the Receiver argued that distributions to investors with allowed claims were substantially complete so that no relief was available to Smith since those

monies were in the hands of the defrauded investors with allowed claims. On February 10, 2022, the Court denied the Motion to Vacate (Docket No. 1222). Smith appealed that decision to the Second Circuit. On April 7, 2023, the Second Circuit Court of Appeals affirmed the District Court's denial of Smith's motion. Smith then filed a petition for writ of certiorari which was denied on October 30, 2023. The Receiver promptly commenced the delayed fourth distribution to investors with allowed claims, and resumed the administrative steps to prepare for the closing of this Receivership.

12. The SEC's Standard Fund Accounting Reports are attached to this Application as **Exhibit C**.

#### **SUMMARY OF ACTIVITIES DURING FINAL PERIOD**

13. While the legal, non-legal and quasi-legal functions and services performed during the Final Period are described in greater detail below and in the detailed time and disbursement records attached as Exhibit B, this executive summary is provided to highlight some of the activities and accomplishments during this period.

14. From a cash perspective, the beginning balance of the Receiver's accounts as of March 1, 2024 totaled \$399,781, and at February 7, 2025, the balance was \$158,219.64 (following completion of Third and Fourth Investor Distributions). The successful sales of various businesses previously operated by the Receiver took place in prior periods. Interest income contributed to some extent to the maintenance of account values and to pay operating expenses of the Receivership in this period. Account balance decreases are due primarily to investor distributions and payment of administrative expenses.

15. First, second, third and fourth distribution checks have been issued to investors, or IRA custodians on behalf of investors. The checks represented 25.04% of allowed claim amounts.

16. Beginning with the Twentieth Payment Schedule of First Investor Distributions (Docket No. 968), Investors who received collateral recoveries had their claim files reviewed for eligibility for first distribution payments, and collateral recovery investors began receiving first distribution checks.

17. Also during the Application Period, the Receiver and his staff postponed the completion of the dissolution and wind-up of certain remaining Receivership entities due to the ongoing pendency of the Smith appeal, and also halted or postponed the destruction and disposition of records and property previously approved by the Court. The dissolution and disposition process has resumed following the denial of Smith's certiorari petition.

18. As is true in all periods, the Receiver continues to deal with various day-to-day issues involving the operation of the estate, the review, calculation and allowance of investor claims, responding to numerous investor claims and questions, and the collection of remaining assets. Final tax returns were filed by the Receiver with New York State and the Internal Revenue Service on or around December 30, 2024. The primary steps to wind-up this estate have been substantially completed, and entity dissolutions are underway.

### **COMPENSATION FOR LEGAL SERVICES**

19. The legal services rendered by Phillips Lytle during the Final Period have been categorized into twenty-two (25) separate categories (Categories A through Y), as described below:

A. Asset Analysis and Recovery

No services were charged to or rendered by Phillips Lytle in Category A during the Final Period.

B. Claims Administration and Objections

Category B relates to the numerous and continuous communications with multiple investors respecting issues involving their specific claims; dealing with the administration and follow up of investor claims including uncashed checks and multiple communications regarding same; preparation of exhibit regarding total claims distributions for Receiver’s Final Report; and perform analysis of claims database.

In rendering the services in Category B, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$6,346.00, and \$277.91 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	0.60	600.00	360.00
Catherine N. Cervone	14.60	410.00	5,986.00

C. Asset Disposition

No services were charged to or rendered by Phillips Lytle in Category C during the Final Period.

D. Business Operations

No services were charged to or rendered by Phillips Lytle in Category D during the Final Period.

E. Case Administration

Category E is a “catch all” category consisting of services performed by Phillips Lytle in connection with this action and primarily consists of services performed which do not fit within one of the other 22 specific categories.

During this time period, this category consists of essentially all of the day-to-day work for the Receiver and his professionals and the handling of the legal affairs of the 82 entities

which were initially placed into Receivership by this Court’s Preliminary Injunction Order (Docket No. 96). The detailed descriptions attached include communications and correspondence regarding dealing with various business issues arising in the ordinary course of business, matters relating to financial statements, various legal inquiries and questions raised by the SEC concerning the Receivership and SFAR reports, dealing with insurance issues and questions; communications with M&T Bank regarding existing accounts and, ultimately, the closing of those accounts and transfers to attorney trust accounts, communications with investors on legal questions, continued review and updating of McGinn Smith Receiver website, discussions regarding renewal of Pine Street lease relating to records retention and storage, preparation and distribution of letters to investors with uncashed checks, deal with investor address changes and deceased investor issues, preparation of and posting to website notices regarding uncashed investor checks and wind down operations, preparation of and revision to wind down operations chart and several discussions and meetings regarding same, attend to termination of lease of 99 Pine Street office space, attend to renewal of website domain, review District Court Order denying Timothy McGinn’s sentence reduction (and subsequent President Biden clemency grant) and attend to posting of description of same on Receiver’s website, extensive work and discussion regarding Plan distribution report.

In rendering the services in Category E, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$33,843.00, and \$1,586.00 in disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	48.60	606.38	29,470.00
Catherine N. Cervone	10.30	424.56	4,373.00

F. Employee Benefits/Pensions

No services were charged to or rendered by Phillips Lytle in Category F during the Final Period.

G. Fee/Employment Applications

No services are being billed to or by the Receiver and Phillips Lytle in Category G during the Final Period consistent with the SEC's policies.

H. Fee/Employment Objections

No services were charged to or rendered by Phillips Lytle in Category H during the Final Period.

I. Accounting/Auditing

No services were charged to or rendered by Phillips Lytle in Category I during the Final Period.

J. Business Analysis

No services were charged to or rendered by Phillips Lytle in Category J during the Final Period.

K. Corporate Finance

No services were charged to or rendered by Phillips Lytle in Category K during the Final Period.

L. Data Analysis

No services were charged to or rendered by Phillips Lytle in Category L during the Final Period.

M. Status Reports

Category M consists of services related to the preparation of and revisions to the Receiver's Final Report (and exhibits thereto), including particularly confirmation of accuracy of

calculations for Receiver's Final Report, and numerous discussions among staff and Receiver regarding same.

In rendering the services in Category M, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$17,798.50, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	9.80	600.00	5,880.00
David Lapresi	3.70	265.00	768.50
Catherine N. Cervone	25.00	446.00	11,150.00

N. Litigation Consulting

No services were charged to or rendered by Phillips Lytle in Category N during the Final Period.

O. Forensic Accounting

No services were charged to or rendered by Phillips Lytle in Category O during the Final Period.

P. Tax Issues

Category P consists of services related to review of several final 2024 tax returns prepared by Chiampou Travis in order to be able to close the Receivership in early 2025, communications with the NYS Department of Taxation and Finance regarding final tax returns filed and process to close Receivership and discussions regarding same.

In rendering the services in Category P, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$395.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	9.20	622.83	5,730.00

Q. Valuation

No services were charged to or rendered by Phillips Lytle in Category Q during the Final Period.

R. William J. Brown, as Receiver Function

Category R consists of services related to the function of William J. Brown, as Receiver in his capacity as Receiver. These services, per prior agreement with the SEC, are rendered at \$225.00 per hour. Thus, while the accrued amount would otherwise be \$49,180.00, the discounted amount to be paid is \$17,955.00. All of the Receiver's travel time (if any) is charged to this category and, thus, is at a substantially reduced rate.

The daily time entries reveal the Receiver's almost daily involvement with the various Receiver entities identified in the various descriptions including for this Application Period, management of resumption of wind-down process for Receivership, the claims process, distributions to creditors, periodic review, processing and approval of payments to vendors and other third parties for services rendered to Receiver operating companies, review, review and authorization of payroll, review of communications from investors and SEC regarding various and ongoing matters, dealings with and review of statements from M&T Bank in connection with the Receivership estate accounts maintenance and the closing of accounts, creation of Receivership trust accounts in order to be able to close Receivership, attending to numerous investor communications both by phone, in writing and e-mail, attending to review and distribution of final investor fourth distribution replacement checks, deal with inquiry from NYS Workers' Compensation payroll data inquiry, communications with NYS Insurance Fund regarding post-termination notice, review of wind-down proposal from FuseMail, deal with and resolve Hartford Insurance payment matter, communications regarding eSozo wind-down.

In rendering the services in Category R, the Receiver expended the time represented below at the hourly rates represented below for a total value of \$49,180.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	79.80	616.29	\$49,180.00 (to be billed and paid at \$17,955.00)

S. SEC vs. McGinn, Smith & Co., Inc., et al.

Category S consists of services related to legal involvement in the SEC's action against McGinn, Smith & Co., Inc. and other parties including review of Court Order regarding the delayed filing of the SEC judgment against the Receivership entities and numerous communications to/from the SEC and with staff regarding same, preparation of, revisions to, and filing of Eighth Status Report of the Receiver, review and revisions to SEC's status report, communications with SEC regarding status of preliminary injunction, communications with SEC and staff regarding entities remaining open for tax purposes, further communications with SEC regarding Receivership judgment, review of SEC's Status Report as filed with Court, review of SEC email regarding Timothy McGinn being granted Order of Clemency.

In rendering the services in Category S, the following attorneys and paralegals at Phillips Lytle expended the time represented below at the hourly rates represented below for a total value of \$15,180.00, and no disbursement expense:

<u>ATTORNEY</u>	<u>HOURS</u>	<u>RATE</u>	<u>TOTAL</u>
William J. Brown	24.10	621.37	14,975.00
Catherine N. Cervone	0.50	410.00	205.00

T. W.J. Brown, as Receiver of McGinn Smith & Co., Inc. vs. Thomas E. Livingston

No services were charged to or rendered by Phillips Lytle in Category T during the Final Period.

U. Sale of McGinn Niskayuna Property

No services were charged to or rendered by Phillips Lytle in Category U during the Final Period.

V. Sale of Smith Vero Beach Property

No services were charged to or rendered by Phillips Lytle in Category V during the Final Period.

W. David L. & Lynn A. Smith Irrevocable Trust

No services were charged to or rendered by Phillips Lytle in Category W during the Final Period.

X. USA vs. McGinn, Smith & Co. Inc.

No services were charged to or rendered by Phillips Lytle in Category X during the Final Period.

Y. William J. Brown, as Receiver for Third Albany Income Notes, LLC vs. David Kennedy and Stephen I. Willis

No services were charged to or rendered by Phillips Lytle in Category Y during the Final Period.

**REIMBURSEMENT OF EXPENSES**

20. Photocopies made by Phillips Lytle are billed by Phillips Lytle at \$.10 per page, which is based upon Phillips Lytle's costs. Telefax charges are \$1.00 per page for outgoing documents, with no charge for incoming documents. Long distance telephone charges and overnight courier charges are billed at cost. Overnight courier charges are incurred only when necessary as determined by either the Receiver or Phillips Lytle. In addition, there are the usual disbursements of such items as long distance telephone charges,

duplicating charges, and FedEx charges for checks received and sent to Receivership businesses.

21. Phillips Lytle incurred out-of-pocket expenses for secretarial overtime in connection with this case. These amounts have been written off and no claim for reimbursement of such expenses is being sought herein.

### **PARTICULAR EXPENDITURES**

22. There were no substantial charges to report during the Final Period.

### **CONCLUSION**

23. All of the services for which Phillips Lytle now seeks compensation were performed on behalf of the Receiver. No services were performed by Phillips Lytle in any capacity other than as counsel to the Receiver.

24. Phillips Lytle has provided the SEC with copies of Phillips Lytle's and the Receiver's billing statements attached as Exhibit B. Following its pre-filing review of this Fee Application, the SEC has notified Phillips Lytle and the Receiver the SEC has no objection to the amounts sought by Phillips Lytle or the Receiver pursuant to this Final Fee Application.

25. As the record in this action clearly indicates, Phillips Lytle has worked persistently and efficiently during the Final Period to handle various issues for the Receiver, the resolution of which will, to varying degrees, enhance the fair and equitable distribution of the McGinn Smith Entities' proceeds to its creditors. This action has mandated a considerable expenditure of Phillips Lytle resources.

26. Based upon the foregoing, Phillips Lytle and the Receiver represent that they are entitled to the final compensation and reimbursement of expenses sought herein.

27. Phillips Lytle and the Receiver believe that this Final Fee Application substantially complies with the substantive requirements of the guidelines for fee applications adopted by the SEC.

28. The Receiver and Phillips Lytle will incur some fees and disbursements in connection with the final steps to formally wind-up and close this Receivership following the filing of this Final Fee Application to complete dissolution of the final entities and make final vendor payments. Thus, the Receiver proposes that any such professional fees and disbursements related to those activities be paid by submitting a final invoice to the SEC and that those fees and disbursements be paid from the net amount to be paid to the SEC pursuant to the Court-approved Plan of Distribution without further Court Order. The SEC has no objection to this method.

#### **NOTICE**

29. Notice of this Final Fee Application is being served on the SEC and all parties who have filed a Notice of Appearance in this action. Additionally, it has been posted on the Receiver's website ([www.mcginnsmithreceiver.com](http://www.mcginnsmithreceiver.com)) for all investors and creditors to see. Phillips Lytle and the Receiver submit that no other or further notice need be given.

WHEREFORE, Phillips Lytle and the Receiver respectfully request that this Court enter an order allowing and approving Phillips Lytle's and the Receiver's Application for (i) final compensation in the amount of \$90,935.19, and reimbursement of expenses in the amount of \$1,881.82 for a total of \$92,817.01 for the period of March 1, 2024 through January 31, 2025; and (ii) granting such other and further relief as is just and proper.

Dated: March 17, 2025

PHILLIPS LYTLE LLP

By /s/ William J. Brown

William J. Brown (Bar Roll #601330)  
Catherine N. Eisenhut (Bar Roll #520849)  
Attorneys for the Receiver  
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Doc #12429899.3

# *Exhibit A*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION :

*Plaintiff,* :

vs. :

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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, :

*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.* :

-----X

**DECLARATION OF WILLIAM J. BROWN IN SUPPORT OF FINAL  
APPLICATION OF PHILLIPS LYTTLE LLP AND THE RECEIVER FOR  
ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Pursuant to 28 U.S.C. §1746, William J. Brown declares, under penalty of  
perjury, as follows:

1. I am a former Partner and now Of Counsel with the law firm of Phillips Lytle LLP (“Phillips Lytle”) and am also the Receiver (“Receiver”) appointed in this action for certain of the Defendants and other entities.

2. I make this declaration in support of the Final Application of Phillips Lytle and of the Receiver for Allowance of Compensation and Reimbursement of Expenses (“Final Application”) in connection with Phillips Lytle’s representation of the Receiver in this Case and the Receiver’s services.

3. I have reviewed the Final Application and, to the best of my knowledge, information and belief, the facts set forth therein are true and correct.

4. The billing rates being charged by Phillips Lytle in connection with the Final Application are those which were customarily charged by Phillips Lytle during the time periods in question and are comparable to those charged by other firms of comparable size and experience in this geographic area for the prosecution of matters similar to this action. Pursuant to prior agreement, in my capacity as Receiver, I agreed in 2010 to charge an hourly rate of \$225.00 rather than my 2010 hourly rate of \$425, which hourly rate in 2025-2025 is \$600.00 - \$650.00.

5. The compensation and reimbursement of expenses (“Final Compensation”) for which allowance is sought by Phillips Lytle and the Receiver is reasonable and is sought for actual and necessary services rendered by Phillips Lytle and the Receiver, together with actual and necessary expenses advanced by Phillips Lytle, on behalf of the Receivership entities.

6. The Final Compensation sought by Phillips Lytle and the Receiver is based upon the nature, the extent and the value of the services rendered. These matters are detailed more particularly in the time itemizations attached to the Final Application as Exhibit B.

7. Phillips Lytle and the Receiver believe they are entitled to Final Compensation based on the considerable expenditures of Phillips Lytle and Receiver resources incurred since the onset of this action.

8. Phillips Lytle and the Receiver have no agreement directly or indirectly and no understanding exists with any other person or entity for the sharing of compensation to be received for legal or other services rendered in this action, except as such compensation may be shared by and among the attorneys of Phillips Lytle.

Phillips Lytle and the Receiver respectfully request that this Court authorize the allowance of the Final Compensation sought pursuant to the Final Application.

Dated: March 17, 2025

/s/ William J. Brown

---

William J. Brown

Doc #12429995.1

# ***Exhibit B***

# **CATEGORY B**

## **CLAIMS ADMINISTRATION AND OBJECTIONS**



## Phillips Lytle LLP

Attorneys at Law  
 One Canalside  
 125 Main Street  
 Buffalo, NY 14203-2887  
 Telecopier # (716) 852-6100  
 (716) 847-8400  
 FED I.D. #16-0505790

William J. Brown, Esq.  
 Phillips Lytle LLP  
 One Canalside  
 125 Main Street  
 Buffalo, NY 14203

Invoice Number 1133781  
 Invoice Date 02/05/25  
 Client Number 33474  
 Matter Number 00001  
 W J Brown

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### Re: CLAIMS ADMINISTRATION & OBJECTIONS

FOR PROFESSIONAL SERVICES RENDERED THROUGH JANUARY 31, 2025:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/01/24	CNE	Attend to investor inquiries, documents for processing claims	0.3
03/04/24	CNE	Consider description of payee	0.1
03/06/24	CNE	Attend to investor inquiries, claims documentation; communications with investors regarding claims	1.0
03/14/24	CNE	Attend to investor documents for distribution processing	0.2
03/20/24	CNE	Attend to investor inquiries	0.2
03/21/24	CNE	Attend to investor inquiries regarding fourth distribution; conference with KML regarding same	0.7
03/26/24	CNE	Call with investor regarding documents needed to process distribution	0.2
04/01/24	CNE	Conference with KML regarding investor information	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/12/24	WJB	Review M Harbour letter regarding change in investment account, consider appropriateness of same and approve same and prepare email regarding same	0.3
04/12/24	WJB	Review letter from Parker estate regarding request for reissue and approve same inquiring about issuance of Letters Testamentary and review of reply	0.3
04/12/24	CNE	Email WJB and KML regarding investor documents; email investor regarding documentation for claim processing	0.4
04/15/24	CNE	Review investor documents and email WJB regarding same	0.1
04/22/24	CNE	Attend to investor correspondence; Call with investor regarding information needed	0.9
04/23/24	CNE	Correspondence with investor regarding status of distribution check	0.2
04/29/24	CNE	Attend to investor correspondence; Review investor documents required for processing distributions	1.0
04/30/24	CNE	Call with investor regarding documentation needed for claims processing	0.2
05/02/24	CNE	Email B Shea regarding reissuing investor check	0.2
05/20/24	CNE	Correspondence with investors regarding documentation for reissuance of checks; Review investor file regarding status	1.4
05/21/24	CNE	Attend to investor correspondence	0.5
05/22/24	CNE	Review schedule of check reissuances; Call with investor regarding check timing	0.2
06/10/24	CNE	Review documents sent by investor	0.1
06/17/24	CNE	Review void/reissue list	0.1
06/20/24	CNE	Call with investor regarding payments question	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/21/24	CNE	Call with investor regarding distribution question	0.2
07/01/24	CNE	Email WJB regarding investor request for reissued check	0.1
07/02/24	CNE	Email WJB regarding investor request; Draft letter to investor regarding damaged check	0.5
07/23/24	CNE	Review investor letter regarding damaged check; Email WJB and B Shea regarding reissuing investor check; Review chart of winddown tasks	0.3
08/07/24	CNE	Conference with KML regarding preparation of exhibit of total claims distributions; Email B Shea regarding payment schedules; Prepare exhibit of total claims distributions for preferred investor claims	4.6
08/08/24	CNE	Respond to WJB question regarding preferred investor schedules	0.2
08/13/24	CNE	Review investor correspondence and investor file; Correspondence with WJB regarding investor correspondence	0.4
CURRENT FEES			\$6,346.00
FOR COSTS ADVANCED AND EXPENSES INCURRED:			
		Overnight Courier WJB - FedEx to Brian Shea - Re: Claims Administration	243.10
		Postage WJB - Postage to Steven Kohl - Re: Claims	1.55
		Overnight Courier WJB - FedEx to William J. Brown - Re: Claims Administration & Objections	33.26
CURRENT EXPENSES			277.91
TOTAL AMOUNT OF THIS INVOICE			\$6,623.91

\*\*\*PAYMENT DUE UPON RECEIPT\*\*\*

# **CATEGORY E**

## **CASE ADMINISTRATION**



**Phillips Lytle LLP**

Attorneys at Law  
 One Canalside  
 125 Main Street  
 Buffalo, NY 14203-2887  
 Telecopier # (716) 852-6100  
 (716) 847-8400  
 FED I.D. #16-0505790

William J. Brown, Esq.  
 Phillips Lytle LLP  
 One Canalside  
 125 Main Street  
 Buffalo, NY 14203

Invoice Number 1133782  
 Invoice Date 02/05/25  
 Client Number 33474  
 Matter Number 00004  
 W J Brown

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**Re: CASE ADMINISTRATION**

FOR PROFESSIONAL SERVICES RENDERED THROUGH JANUARY 31, 2025:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/05/24	WJB	Review various invoices and consider course of action regarding same	0.2
03/08/24	WJB	Consider wind-down process and timing of same, prepare email B Shea regarding uncashed check report and narrative regarding same	0.2
03/08/24	WJB	Review email on returned check status and deposit of R Oppe and legal follow-up	0.2
03/08/24	WJB	Plan: Review email regarding Letters Testamentary and Death Certificate regarding R Murphy and consider issuing replacement checks	0.1
03/08/24	WJB	Telephone call from B Burns at M&T Bank regarding S Fowler check presentation and issues regarding potential fraud, prepare email B Shea regarding same and review reply and authorize check via telephone call to M&T Bank	0.5
03/08/24	WJB	Multiple telephone calls with B Singleton regarding need for certified copy of Trust Agreement to consider processing claim and lengthy discussion of issues as to why and course of action, prepare notes	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/09/24	WJB	Prepare reply email to B Shea regarding office wind-down and property removal, donations and disposition approvals	0.3
03/18/24	WJB	Plan: Review K McGinn reissuance letter request, approve same and prepare conditions	0.2
03/19/24	WJB	Review emails with Chiampou Travis concerning invoicing and professional services and consider course of action regarding same	0.2
03/27/24	WJB	Plan: Review, approve, sign and send reissued distribution checks to investors	0.8
04/03/24	WJB	Review proposed letter to investors with legal implications concerning uncashed checks in Plan distribution and consider B Shea comments regarding same	0.3
04/04/24	WJB	Revise draft uncashed check letter and consider comments received regarding same, review applicable court pleadings and orders and relevant dates, finish revisions and prepare email staff regarding same	0.6
04/05/24	WJB	Review final version of uncashed check letter to applicable investors and conform revisions to same, prepare email to staff regarding same	0.4
04/05/24	WJB	Review final revised version of uncashed check letter as revised, execute same and forward with email to staff	0.3
04/05/24	WJB	Review new uncashed check list from B Shea and email from B Bertoglio regarding two checks and consider applicability and timing of same	0.3
04/05/24	WJB	Review email from B Shea confirming final document destruction completion and reply with conditions to next steps	0.3
04/05/24	WJB	Review shredding process and certifications required for same and prepare follow-up email to B Shea regarding same regarding legal requirements	0.3
04/05/24	WJB	Review question from staff on dating of check cashing letter and applicable termination date for checks and consider same, prepare reply to staff	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/06/24	WJB	Prepare website legal notice regarding uncashed checks and steps which must be taken to clear checks by designated date and review relevant legal authority regarding same	0.5
04/08/24	WJB	Revise website draft announcement regarding cashing checks arising from Fourth Distribution and wind down operations	0.3
04/08/24	WJB	Review pending pleadings, filing requirements regarding same and prepare revisions to same	0.5
04/09/24	WJB	Review cash balances and legal history and prepare revisions to pending pleadings and prepare for filing	1.6
04/09/24	WJB	Prepare website update regarding Fourth Distribution check voiding date, review relevant procedures and orders regarding same and revise website update	0.4
04/09/24	WJB	Prepare email B Shea regarding total amount of funds distributed in first four rounds of distributions in preparation for report to court	0.2
04/09/24	WJB	Review reply from B Shea regarding amount of funds distributed and review amounts posted in prior reports	0.1
04/12/24	WJB	Review draft first quarter 2024 SFAR, prepare email regarding same, execute same and forward to SEC	0.5
04/12/24	WJB	Review and compile facts concerning amount of checks cleared to date and shutdown process and status for various court reporting	0.5
04/12/24	WJB	Review email from CNE regarding L Cohen estate and delay with opening of estate, consider same and prepare reply with instructions on legal procedure and deadline and next steps	0.4
04/17/24	WJB	Review B Shea email regarding request for consent to continue with destruction efforts, study same and prepare reply	0.4
04/19/24	WJB	Review April 18 list of uncashed checks including 121 remaining and consider suggestions for follow-up and prepare reply regarding applying uniform procedures	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/22/24	WJB	Review Melecio Umali letter with check having gone to Wells Fargo and email CNE for preparation of letter with specific instructions	0.4
04/22/24	WJB	Review S Melamed letter regarding new address and related uncashed check and prepare reply regarding legal instructions regarding same	0.2
04/22/24	WJB	Update check list with notes concerning uncashed checks prepared by staff	0.2
04/23/24	WJB	Review staff email regarding contact information for B Bertoglio, search legal files regarding same and locate 2018 information and consider how to make contact concerning Fourth Distribution issues	0.3
04/23/24	WJB	Prepare email B Shea to void all uncashed checks with deadline to do so and follow-up telephone call regarding same using month-end as relevant date	0.6
04/30/24	WJB	Attend to Receiver website posting for filing of Eighth Status Report and approve same	0.2
05/01/24	WJB	Plan: Review voided Fourth Distribution checklist, total distributions voided, and consider courses of action regarding legal requirements concerning distributions as a result of same	0.2
05/01/24	WJB	Plan: Finalize analysis regarding Fourth Distribution checks for uncashed check reason and prepare email B Shea requesting information regarding same	0.2
05/03/24	WJB	Review process for removal and appropriate destruction for preservation of computer servers, file cabinets and reply to B Shea regarding retention of computer server, review and sign E-Waste NAID certified E-Destruction and review terms and conditions and prepare email response to B Shea regarding same and finally review email from B Shea regarding file cabinet disposition, consider same and prepare reply	1.0
05/08/24	WJB	Begin initial steps of preparing outline of closing steps for receiverships estates, including reviewing contracts necessary for termination	0.6

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/09/24	WJB	Prepare additional revisions to closing steps for receivership estate and timing of same	0.5
05/10/24	WJB	Revise wind down of operations chart and add additional items, prepare email B Shea regarding completion of same and incorporating all necessary items for timing and responsibility	1.1
05/11/24	WJB	Prepare emails to staff regarding lease termination letter for 99 Pine St	0.2
05/11/24	WJB	Review B Shea email on lease termination and prepare reply regarding preparation of letter notifying landlord and legal reasons for same	0.2
05/13/24	WJB	Review 99 Pine St. lease, prepare letter to landlord announcing intention to not renew lease, review and revise same, execute and send to landlord	0.9
05/14/24	WJB	Review B Shea email with E-Waste invoice and certificate of destruction for computer and related technological equipment	0.3
05/18/24	WJB	Review B Shea email on two investors presented voided checks and prepare reply with intended follow up contact with investors regarding same	0.2
05/20/24	WJB	Prepare email to staff regarding preparation of letter to two investors who cashed voided checks and next steps for them to receive distributions	0.2
05/20/24	WJB	Prepare form of letter to send to investors cashing voided checks and next steps for identification and re-issuance of replacement checks	0.2
05/20/24	WJB	Review staff email regarding Brad Bertoglio returned checks for second time and consider legal implications on how to deal with repeated returned checks while suing correct address	0.2
05/20/24	WJB	Review Dr. Daniel Hajaar inquiry regarding total investment inquiry and consider course of action resulting in reply letter requesting written letter for investment amounts	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/20/24	WJB	Attend to stop payment issues and reconciliation of Kogan, Harris and other investors uncashed checks, voided checks and related matters and prepare reply email with instructions on how to handle each investors circumstance given terms of plan of distribution	0.7
05/21/24	WJB	Review website status as to court filings and review recent posting of court filings on receivers website	0.2
05/24/24	WJB	Conference staff regarding reason for Bertoglio diverted mail, consider same and approve process for returning checks	0.3
05/28/24	WJB	Prepare email B Shea regarding windup of receivership and completing out line of same	0.2
05/30/24	WJB	Telephone conference with B Shea regarding outline of Receivership case wind down plan including legal and business details, timing of same, analysis and course of action	0.3
05/30/24	WJB	Review details and photo evidence of cabinet removal at 99 Pine Street and consider remaining steps to vacate premises	0.2
05/31/24	WJB	Review revised Receivership wind down plan received from B Shea, analyze same and begin revisions	0.6
05/31/24	WJB	Review draft email to 99 Pine Street landlord regarding surrender of property and inspection of same	0.2
06/03/24	WJB	Plan: Consider options and course of action regarding how to deal with uncashed Fourth Distribution checks and investor communications regarding same, including Bertoglio checks	0.2
06/05/24	WJB	Review and revise draft letter to landlord regarding terms and conditions of surrender of 99 Pine Street premises	0.3
06/05/24	WJB	Review final version of letter to be sent to 99 Pine Street landlord on surrender	0.2
06/10/24	WJB	Plan: Prepare email B Shea regarding timing of delivery of M Kogan check and negotiation date	0.1
06/19/24	WJB	Plan: Prepare email B Shea regarding receipt of M Kogan replacement distribution check and NYS disability check	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
06/20/24	WJB	Receive and review M Kogan Fourth Distribution replacement checks and NYS disability premium check, approve same and forward to respective parties	0.9
06/20/24	WJB	Review B Shea email on surrender of keys regarding 99 Pine Street and consider legal issues regarding same	0.2
06/21/24	WJB	Plan: Review draft M Kogan distribution letter regarding near-term deadline for cashing check, approve same and prepare email regarding same	0.3
06/22/24	WJB	Plan: Prepare email B Shea regarding M Kogan Fourth Distribution replacement check deadline for negotiation	0.2
06/24/24	WJB	Attend to register.com emails regarding Alarm Trader website domain	0.2
06/24/24	WJB	Review register.com Alarm Trader.com order for renewal and forward to B Shea	0.2
06/24/24	WJB	Review email from B Shea regarding registration renewal of domain	0.1
06/26/24	WJB	Plan: Prepare email staff regarding A Dawahare Fourth Distribution check not received and letter with instructions and recording of next steps	0.3
06/28/24	WJB	Review 99 Pine St premises surrender plan, consider legal implications of same including deposited of keys and taking of appropriate photographs since surrender will be without physical inspection, prep email to B Shea regarding necessary steps to take	0.8
07/03/24	WJB	Review status of surrender of Pine Street rental space, review photos of leased space for inspection purposes, and move forward with steps to vacate space with notice to landlord	0.4
07/04/24	WJB	Review and revise lease surrender letter for Pine Street property and forward to B Shea	0.2
07/06/24	WJB	Review second quarter draft SFAR Report and consider same	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/08/24	WJB	Prepare email staff regarding second quarter SFAR reconciliation and administration	0.2
07/08/24	WJB	Review email from 99 Pine Street landlord confirming move out of premises and surrender of lease and consider next steps	0.2
07/08/24	WJB	Review final form of second quarter SFAR and prepare email to SEC regarding same	0.4
07/16/24	WJB	Review notice from Google regarding legal pleadings in SEC v. McGinn Smith case, review same	0.2
07/17/24	WJB	Review notice from Google regarding additional legal pleadings in SEC v. McGinn Smith, review same	0.2
07/18/24	WJB	Revise chart of timeline of case closing events and allocation of tasks	0.4
07/19/24	WJB	Continue preparation of Excel chart with scheduling of tasks to wind down SEC v. McGinn Smith and review timeline for same and edit chart	2.2
07/19/24	WJB	Prepare multiple emails staff regarding Plan wind down Excel chart and scheduling of tasks and formatting of same	0.3
07/19/24	WJB	Review further Google alert regarding SEC v. McGinn Smith pleadings and review same concerning status report	0.2
07/19/24	WJB	Review revised Docket No. 1257 for wind down Plan purposes	0.2
07/21/24	WJB	Revise spreadsheet with wind down Plan and allocation of tasks and distribute to team with email regarding wind down and comments to same	1.0
07/21/24	WJB	Review B Shea additional comments to wind down Plan and prepare reply regarding supplementing Plan	0.2
07/21/24	WJB	Review additional Google notice regarding second distribution payment schedules and consider same	0.2
07/22/24	WJB	Incorporate additional B Shea comments and steps to wind down Plan into Excel spreadsheet and re-circulate to team	0.0

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/23/24	WJB	Prepare website notification update to investors regarding wind down of receivership, last date to cash checks, and last date for information requests	0.6
07/23/24	WJB	Review email from CNE regarding dissolution entities and status considering spreadsheet for wind down tasks, consider same and prepare reply	0.3
07/24/24	WJB	Review Docket No. 1165 and terms of same and status of Receiver's website, revise website update on closing of case	1.1
07/24/24	CNE	Review notes, status of entity dissolutions	0.3
07/25/24	WJB	Plan: Review and sign M Kogan and A Dawahare replacement checks and forward same to distribution to investors	0.8
07/25/24	WJB	Prepare supplemental letters to investors with replacement checks regarding need to immediately cash same because of voiding on August 15	0.5
07/26/24	WJB	Plan: Review letter and legal documents from Blazina and prepare email staff with instructions regarding Plan	0.5
07/26/24	WJB	Identify broken links on Receiver's website for filed pleadings and prepare email regarding same requesting repair	0.3
07/29/24	WJB	Attend to final details of 99 Pine Street return of security deposit and depositing of same and prepare email regarding same	0.3
07/29/24	WJB	Review email on repair of Receiver website links which were broken and analyze same	0.3
07/29/24	CNE	Review list of active McGinn Smith entities	0.2
07/30/24	WJB	Review CNE email summarizing status of dissolution of Receivership entities and prepare initial reply	0.2
07/30/24	CNE	Review list of remaining active entities; Email WJB, KML and B Shea regarding next steps for dissolution of remaining entities	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/31/24	WJB	Plan: Review staff email on Blazina check spelling, consider same and prepare email proposing process for proper endorsement; Telephone call to A Otto regarding procedure and telephone call to staff regarding same prepare follow-up direction email regarding same	0.6
08/01/24	CNE	Call with KML and B Shea regarding preparations for Receiver's final report; Review proposed exhibits for final report; Consider information needed for final exhibits; Review abandoned claims motion and unclaimed funds motion	1.2
08/02/24	CNE	Call with WJB regarding preparing schedules to final report	0.2
08/04/24	WJB	Prepare website description of NDNY Order denying T McGinn sentence reduction and review prior relevant Orders and descriptions in preparation of same	0.5
08/05/24	WJB	Review and approve posting on Receiver's website describing and reporting on T McGinn Order denying reduction of sentence in criminal case	0.3
08/06/24	CNE	Conference with KML regarding preparation for Receiver's final report; Consider best process to reconcile investor payments for final report	1.2
08/13/24	CNE	Consider methods for reconciliation of claims database and preparation of Receiver's final report	1.8
08/14/24	CNE	Call with WJB regarding preparation of final report	0.2
08/16/24	CNE	Call with B Shea regarding preparations for final report; Correspondence with DMP regarding data reconciliation	0.3
08/21/24	CNE	Work on preferred investor schedule for receiver's final report	0.8
08/23/24	CNE	Email DMP regarding assistance with preparing exhibit to Receiver's final report	0.2
08/26/24	WJB	Exchange multiple emails with B Shea regarding renewal of GoDaddy website and licensing agreement and review prior emails regarding same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/26/24	WJB	Search for prior 2016 eSozo email regarding GoDaddy login information for website for B Shea	0.2
08/26/24	CNE	Call with D-L regarding preparing exhibit to Receiver's final report	0.3
08/29/24	WJB	Arrange website posting for filed SEC status report	0.1
08/29/24	CNE	Review claims and distribution data in connection with preparing Receiver's report; Email B Shea regarding question on data	0.6
08/30/24	CNE	Email B Shea regarding information to include in exhibit for final report	0.2
09/09/24	WJB	Plan: Prepare email with request to CNE for update on status and review reply regarding technology assistance concerning distribution reconciliation	0.3
09/10/24	WJB	Plan: Review CNE report on initial technology review of Plan distributions and identification of any discrepant	0.3
09/22/24	WJB	Plan: Review email from B Shea on timing of closing of various bank accounts, consider same, review calendar and tasks to be completed	0.2
09/23/24	WJB	Plan: Prepare reply email B Shea on suggestions on account closing procedures and reasons for same	0.3
09/23/24	WJB	Plan: Review B Shea email on considerations regarding account closures in preparation for closing of estate and consider implications	0.3
09/23/24	WJB	Plan: Prepare reply to B Shea after consideration as to fixing date for closing of accounts and transfers resulting from same in coordination with preparation of final tax return	0.3
09/23/24	WJB	Plan: Review staff email regarding cashing of all checks by RPM in first distribution to complete reconciliation of first round distributions	0.2
09/24/24	WJB	Plan: Review CNE status regarding data review of round 2 distributions	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/04/24	WJB	Review draft 9/30 SFAR	0.2
10/13/24	WJB	Plan: Review CNE email on Round 3 distribution reconciliations and prepare reply approving voiding of three uncashed Round 4 checks to investors	0.4
10/13/24	WJB	Plan: Prepare email B Shea authorizing immediate voiding of three uncashed Round 4 distribution checks	0.2
10/17/24	WJB	Plan: Review CNE email report on Fourth Distribution reconciliation and open questions to be dealt with and consider same	0.3
10/17/24	CNE	Respond to WJB email regarding dissolution status of receivership entities	0.2
10/21/24	CNE	Meeting with KML and WJB regarding remaining wind-down tasks	0.5
10/22/24	CNE	Research regarding impact of judgment on dissolution of New York entities	0.7
10/23/24	CNE	Email WJB regarding results of research on effect of entry of judgment on dissolution of NY entities	0.2
10/25/24	CNE	Review prior entered orders of administration regarding wind down; Consider additional steps necessary for Receivership wind down	0.5
10/28/24	WJB	Review third quarter SFAR report, approve and sign same and prepare email to SEC regarding same	0.5
10/29/24	CNE	Email WJB regarding closure of receivership and additional relief	0.2
11/08/24	WJB	Analyze CNE email with final accounting recollection for plan distributions	0.4
11/08/24	WJB	Prepare email w CNE with questions regarding Lofredo distribution payments and review replies	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/08/24	WJB	Review additional email from CNE regarding Lofredo payments and plan reconciliation on distributions payments	0.1
11/08/24	WJB	Prepare email B Shea regarding questions concerning Lofredo distribution payment	0.1
11/24/24	WJB	Review reports regarding Lofredo plan payments and reconciliation of all payments and prepare email regarding reconciliation, moving forward in decisions regarding same	0.4
11/25/24	WJB	Prepare email to staff to proceed plan with distribution payments final report	0.3
12/13/24	WJB	Prepare investor update for posting to Receiver website for T McGinn clemency grant by President Biden and review pleadings regarding same	0.4
12/20/24	WJB	Prepare investor update for website regarding status of Timothy McGinn grant of clemency	0.4
12/24/24	CNE	Attend to invoicing matters	0.2
12/26/24	WJB	Review email from CNE regarding plan distribution report format and reconciliation of same	0.2
12/27/24	WJB	Telephone conference CNE regarding inclusions and exclusions of plan distribution report	0.3
12/30/24	WJB	Review CNE email confirming staff have entered all data for plan distribution report and prepare reply regarding same	0.2
01/07/25	WJB	Review December 31, 2024 draft SFAR received from B Shea	0.2
01/13/25	WJB	Prepare two email DMP4 regarding continuation of Receiver's website and anticipated cost to accomplish same, review reply and authorize proceeding	0.2
01/26/25	WJB	Review tech issues regarding wind down of eSozo and FuseMail, review proposals and explanations and consider record retention responsibilities, prepare email B Shea with instructions regarding same	0.5
01/26/25	WJB	Review fourth quarter SFAR and send to staff to finalize	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/26/25	WJB	Review, sign and send fourth quarter 2024 SFAR with email to SEC	0.4

CURRENT FEES \$33,843.00

FOR COSTS ADVANCED AND EXPENSES INCURRED:

Overnight Courier WJB - FedEx to William J. Brown, Esq. - Re: Case Administration	32.82
Fees Vendor: Shred-it; Invoice#: 8006914777; Date: 4/25/2024	1,286.93
Overnight Courier KML - FedEx to William J. Brown, Esq. - Re: McGinn Smith/Case Administration	202.85
Postage WJB - Postage to NYS Insurance Fund - Re: Case Administration	32.00
Postage WJB - Postage to DELUXE - THE HARTFORD - Re: Case Administration	31.40
CURRENT EXPENSES	1,586.00

TOTAL AMOUNT OF THIS INVOICE \$35,429.00

\*\*\*PAYMENT DUE UPON RECEIPT\*\*\*

# **CATEGORY M**

## **STATUS REPORTS**



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 FED I.D. #16-0505790

William J. Brown, Esq.  
 Phillips Lytle LLP  
 One Canalside  
 125 Main Street  
 Buffalo, NY 14203

Invoice Number 1133783  
 Invoice Date 02/20/25  
 Client Number 33474  
 Matter Number 00012  
 W J Brown

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**Re: STATUS REPORTS**

FOR PROFESSIONAL SERVICES RENDERED THROUGH JANUARY 31, 2025:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
07/26/24	WJB	Begin drafting Receiver's Final Report including preparation of outline	0.7
07/31/24	WJB	Review and draft proposed Exhibit A to draft Receiver's Final Report outlining distributions made to date include preferred investors and prepare email to staff and B Shea regarding same and format of preparation for eventual final report	1.4
08/01/24	WJB	Review B Shea comments and issues with proposed draft Exhibit A to Final Receiver's Report reconcile and consider same	0.4
08/01/24	WJB	Telephone conference with B Shea to discuss comments to Exhibit A regarding distributions and consider same	0.3
08/02/24	WJB	Prepare initial draft reply to B Shea regarding his comments on proposed Ex A of distributions to Receiver's Final Report and reconciliation of same	0.5
08/03/24	WJB	Review B Shea further response to Ex A issues for Final Receiver's Report and consider how to resolve same	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/06/24	WJB	Review CNE extensive email with recommendations on process for Receiver's final report	0.4
08/06/24	WJB	Review B Shea email regarding use of payment schedule in Receiver's final report and interfacing with Quickbooks	0.2
08/06/24	WJB	Prepare email B Shea regarding reconciliation of facts for Receiver final report and validity of filings	0.3
08/06/24	WJB	Review B Shea email agreeing to Receiver process on preparation format for final report	0.2
08/07/24	WJB	Review revised preferred vendors investor schedule for Receiver final report prepared by CNE and explanation regarding same	0.5
08/08/24	WJB	Review B Shea email agreeing to Receiver proposed format and method for Receiver's final report on accounting issues	0.2
08/08/24	WJB	Prepare reply to CNE email on preferred investors report with questions concerning B Fisher and Meier distributions	0.3
08/08/24	WJB	Review CNE response regarding Fisher and Meier preferred claims and explanation of reporting	0.2
08/08/24	WJB	Prepare email CNE to approve preferred investor reporting for final report	0.2
08/13/24	WJB	Prepare email with conclusions on steps to prepare Receiver's final report to B Shea, CNE and staff	0.4
08/14/24	WJB	Prepare reply email regarding database to use for final Receiver report on distribution schedule and reasons not to use other data sources for same	0.3
08/14/24	WJB	Review email from CNE regarding revised proposal concerning data source for final receiver report	0.3
08/15/24	WJB	Review extensive CNE plan for process to assemble data for final Receiver report	0.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/15/24	WJB	Telephone conference CNE to discuss proposed plan and issues regarding same	0.3
08/16/24	WJB	Prepare comments to CNE extensive plan for assembling data for Receiver final report and development of editing comments to structure and forward to B Shea, CNE and staff	1.0
08/19/24	WJB	Review CNE email on enlisting IT department support regarding assembly and sorting of data for Receiver's final report and consider same	0.2
08/26/24	WJB	Review CNE email on IT assistance regarding final Receiver report	0.2
09/03/24	CNE	Review reports regarding investor payments made during first distribution; Email D-L2 regarding same	0.8
09/09/24	CNE	Email D-L regarding status of review of round one distribution data; Email WJB regarding status of review of distribution data	0.2
09/10/24	CNE	Review results of first distribution reconciliation data; Correspondence with D-L regarding questions on data, results	1.8
09/12/24	CNE	Email B Shea regarding preparation of round two data for preparation of Receiver's final report; Prepare preferred investor exhibit to Receiver's final report	1.2
09/16/24	CNE	Review round two distribution data extracted by B Shea; Correspondence with D-L regarding status of data review	1.0
09/17/24	WJB	Review CNE email on results of IT work on completing final distribution report and identification of discrepant, consider next steps and prepare reply	0.3
09/17/24	CNE	Review results of first round reconciliation and summarize results	1.5
09/19/24	CNE	Emails with KML regarding distributions to investor claims; Email D-L regarding second round data to review	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
09/23/24	CNE	Review results of round two distribution data reconciliation	2.1
09/24/24	WJB	Review B Shea email regarding round 3 distribution information sent for reconciliation	0.1
09/24/24	CNE	Review claims data for receiver's final report	0.9
09/30/24	CNE	Email D-L regarding round three distribution data	0.2
10/09/24	CNE	Follow up with D-L regarding round three reconciliation	0.1
10/11/24	CNE	Review results of third distribution reconciliation	0.5
10/13/24	CNE	Review results of third distribution reconciliation	1.0
10/14/24	CNE	Review reconciliation results for Receiver's final report	2.3
10/15/24	D-L2	Prepare distribution spreadsheets for comparison for round 4 and update formulas for to perform lookups and comparisons, update filters and circulate spreadsheet for review for use in final report	1.8
10/15/24	CNE	Review fourth distribution round reconciliation results	0.1
10/16/24	CNE	Review Fourth round reconciliation results	1.9
10/17/24	CNE	Review round four distribution reconciliation results and email WJB, KML and B Shea regarding results; Review B Shea response to round three discrepancy	0.4
10/18/24	D-L2	Perform additional analysis to determine difference in totals, update worksheet to add columns and filters to show individual disbursements with differing amounts for final report	1.1
10/18/24	CNE	Review results of distribution reconciliation; Email D LaPresi regarding same	0.8
10/23/24	CNE	Review third distribution reconciliation results	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/25/24	CNE	Review reconciliation results; Email KML regarding edits needed to database entries	0.8
10/31/24	CNE	Review results of claims distribution reconciliation	1.5
11/01/24	CNE	Review fourth round reconciliation results	0.3
11/08/24	CNE	Email WJB regarding final reconciliation results	0.2
11/27/24	CNE	Emails with KML, WJB regarding Receiver's final report and schedule of claims	0.2
12/05/24	CNE	Review update data from database; Compare and locate discrepancies in data; Prepare Exhibit A to Receiver's final report	3.7
12/06/24	CNE	Update preferred investor exhibit to Receiver's final report	0.5
12/20/24	CNE	Email KML regarding exhibit to Receiver's final report	0.1
12/27/24	CNE	Call with WJB regarding preparation of exhibit for final report; Email KML regarding exhibit to final report	0.3

CURRENT FEES \$17,798.50

TOTAL AMOUNT OF THIS INVOICE \$17,798.50

\*\*\*PAYMENT DUE UPON RECEIPT\*\*\*

# **CATEGORY P**

## **TAX ISSUES**



## Phillips Lytle LLP

Attorneys at Law  
 One Canalside  
 125 Main Street  
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William J. Brown, Esq.  
 Phillips Lytle LLP  
 One Canalside  
 125 Main Street  
 Buffalo, NY 14203

Invoice Number 1133784  
 Invoice Date 02/05/25  
 Client Number 33474  
 Matter Number 00015  
 W J Brown

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### Re: TAX ISSUES

FOR PROFESSIONAL SERVICES RENDERED THROUGH JANUARY 31, 2025:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/01/24	WJB	Prepare email acknowledging receipt from Chiampou of tax returns and preliminary review of same	0.1
03/06/24	WJB	Review 2023 Partnership tax returns related to McGinn Smith Holdings LLC and McGinn Smith Alarm Trading LLC, review and authorize e-file filing authorizations, sign and distribute tax returns for filing	1.4
03/06/24	WJB	Prepare email Chiampou Travis, B Shea regarding completed review and approval of 2023 income tax returns	0.2
03/25/24	WJB	Review Chiampou service charges for tax returns and forward to B Shea for review and review rejection email and reasons for same because of duplication	0.2
03/26/24	WJB	Prepare email M Schaffstall at Chiampou regarding duplicate invoices and requesting clarification on same	0.2
03/29/24	WJB	Review response from M Schaffstall at Chiampou regarding invoices and completion of 2023 tax returns and related matters	0.1

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Invoice Number 1133784

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/03/24	WJB	Review Chiampou status of tax return work and services for same, Shea approval of same	0.2
04/12/24	WJB	Review status of tax return preparation and filing	0.4
07/23/24	WJB	Draft letter to NYS Department of Taxation and Finance regarding process to close receivership estate and review prior communications with NYS	0.7
07/24/24	WJB	Revise letter to NYS Department of Taxation and Finance on closing of case and forward with email with delivery instructions	0.4
07/24/24	WJB	Review final form of letter to NYS Department of Taxation and Finance, sign same and send with instructions for delivery to NYS Taxation and Finance	0.4
07/29/24	WJB	Review notice of delivery of letter to NYS Department of Taxation and Finance regarding closing of case	0.2
09/07/24	WJB	Review and approve email to Chaiampou Travis on filing of final tax return and preparation for same and coordinating same	0.3
09/09/24	WJB	Coordinate and exchange emails with accountants and B Shea on arranging for meeting to discuss preparation of final tax returns	0.2
12/04/24	WJB	Review email from B Shea regarding receipt of tax returns and questions on finalization and using electronic payment methods and prepare reply regarding need to issue check to IRS in New York State for same	0.3
12/05/24	WJB	Review B Shea email to tax accountants regarding procedure to file 2024 paper tax returns	0.1
12/10/24	WJB	Review S Curry email with 2024 with final tax returns for New York State and IRS and related filings	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/12/24	WJB	Receive and review paper tax returns for IRS and New York State for 2024 and prepare email to Chiampou confirming receipt of final returns to review and file	0.2
12/12/24	WJB	Review email from R DeLeonardes regarding T McGinn clemency granting	0.2
12/13/24	WJB	Review email for issuance of checks to pay tax reporting filing fees and prepare directions regarding same	0.2
12/24/24	WJB	Review New York State and IRS final tax returns and related New York State filings, approve and sign same and attend to filing of same with IRS and New York State	1.5
12/24/24	WJB	Prepare email to staff regarding mailing receipt as evidence for 2024 final tax returns	0.2
12/26/24	WJB	Prepare email tax accountant regarding reports that 2024 final tax returns to IRS and New York State have been mailed	0.2
01/08/25	WJB	Review B Shea email with input regarding ability to request expedited review of final tax returns filed with IRS and New York State and quickly consider same	0.2
01/09/25	WJB	Review prior IRS action to compel review of tax return and prepare reply to B Shea regarding its inapplicability to current situation given prior strategic use	0.5
01/10/25	WJB	Review follow up email from B Shea regarding tax reporting status	0.1
01/25/25	WJB	Prepare email to staff to confirm receipt of filed copies of 2024 tax returns and related documents and review reply	0.2
01/26/25	WJB	Review tax accountant invoices, consider same regarding final tax returns and forward to staff for processing	0.1

CURRENT FEES

\$5,730.00

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FOR COSTS ADVANCED AND EXPENSES INCURRED:

Postage WJB - Postage to NYS Department of Taxation and Finance (Attn: Bankruptcy Unit) - Re: Tax Matters	8.16
Overnight Courier WJB - FedEx to Bill Brown - Re: Taxes	9.75
CURRENT EXPENSES	<hr/> 17.91

TOTAL AMOUNT OF THIS INVOICE \$5,747.91

\*\*\*PAYMENT DUE UPON RECEIPT\*\*\*

# **CATEGORY R**

**WILLIAM J. BROWN, AS RECEIVER FUNCTION**



**Phillips Lytle LLP**

Attorneys at Law  
 One Canalside  
 125 Main Street  
 Buffalo, NY 14203-2887  
 Telecopier # (716) 852-6100  
 (716) 847-8400  
 FED I.D. #16-0505790

William J. Brown, Esq.  
 Phillips Lytle LLP  
 One Canalside  
 125 Main Street  
 Buffalo, NY 14203

Invoice Number 1133785  
 Invoice Date 02/05/25  
 Client Number 33474  
 Matter Number 00017  
 W J Brown

---

**Re: W.J. BROWN, AS RECEIVER FUNCTION**

FOR PROFESSIONAL SERVICES RENDERED THROUGH JANUARY 31, 2025:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/01/24	WJB	Prepare email B Shea and staff regarding delivery of replacement distribution checks and vendor checks and plan for same	0.2
03/01/24	WJB	Review M&T Bank returned check items notice and forward to B Shea for posting	0.2
03/01/24	WJB	Review Five Star Bank statement and forward to B Shea for reconciliation and posting	0.1
03/01/24	WJB	Review M&T bank distribution account statement and forward to B Shea for reconciliation and posting	0.1
03/01/24	WJB	Review M&T Bank account 8601 statement and forward to B Shea for reconciliation and posting	0.1
03/01/24	WJB	Prepare email follow-up to CNE regarding Lawson distribution	0.1
03/02/24	WJB	Review vendor checks, approve and sign same and distribute same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/02/24	WJB	Review, approve, sign and reissue Fourth Distribution replacement checks	0.8
03/02/24	WJB	Review and approve payroll and forward to B Shea	0.1
03/02/24	WJB	Review weekly cash report	0.1
03/04/24	WJB	Telephone message from C Dube regarding alleged missing Fourth Distribution and consider approach to same, email staff and review response	0.4
03/04/24	WJB	Telephone call to C Dube regarding IRA Services as depository for Fourth Distribution monies	0.2
03/04/24	WJB	Prepare email regarding delivery of Plan replacement checks and review reply regarding same	0.1
03/04/24	WJB	Prepare emails on status of Tomiak checks and telephone calls regarding same	0.2
03/05/24	WJB	Telephone call from Mrs. Tomiak and research issues regarding Fourth Distribution	0.2
03/06/24	WJB	Review email from CNE regarding facts and legal analysis regarding L Cohen estate, consider same and prepare reply	0.2
03/06/24	WJB	Prepare reply regarding legal issues surrounding L Cohen estate and imposition of deadline for accomplishing same	0.2
03/08/24	WJB	Review email from B Shea regarding circumstances of National Life Insurance surrender on T McGinn policy	0.1
03/08/24	WJB	Review email from B Shea on 99 Pine Street disposal status	0.2
03/09/24	WJB	Review weekly cash report	0.1
03/09/24	WJB	Prepare reply to B Shea regarding McGinn Smith insurance check proceeds and deposit to which account	0.1

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February 5, 2025

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/10/24	WJB	Prepare email staff on depositing of McGinn Smith insurance proceeds check and disposition of same	0.2
03/12/24	WJB	Review email from B Shea regarding receipt of vendor checks and prepare reply regarding date of shipment	0.2
03/12/24	WJB	Review email from B Shea regarding T McGinn life insurance surrender deposit status and email staff regarding status	0.1
03/13/24	WJB	Review staff responses regarding McGinn Smith insurance surrender check and prepare reply to B Shea	0.2
03/13/24	WJB	Review email from B Shea regarding McGinn Smith insurance transaction and prepare reply regarding details	0.2
03/13/24	WJB	Review and respond to multiple emails from J Lawson regarding process to obtain payment history including preparation of mailed letter requesting same	0.3
03/13/24	WJB	Review and approve payroll and forward to B Shea	0.1
03/14/24	WJB	Review email from CNE regarding commencement of L Cohen estate and prepare reply regarding plan going forward regarding dealing with same	0.2
03/15/24	WJB	Review M&T Bank account analysis statement and forward to B Shea	0.1
03/15/24	WJB	Review M&T Bank distribution account statement and review of multiple clearing fourth distribution checks and forward to B Shea for reconciliation and posting	0.2
03/15/24	WJB	Prepare email staff regarding McGinn Smith insurance deposit slip and need for letter regarding transmittal	0.2
03/16/24	WJB	Prepare email staff regarding need for McGinn insurance check copy	0.1
03/16/24	WJB	Review weekly cash report	0.1

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February 5, 2025

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/16/24	WJB	Review B Shea email regarding vendor check delivery and process for same, postal thefts and employment of FedEx deliveries, prepare email staff regarding same	0.2
03/18/24	WJB	Review emails regarding final sale disposition of National Life policy and related documents	0.1
03/18/24	WJB	Prepare letter M&T Bank to transfer life insurance policy proceeds to related account and review replies regarding same	0.2
03/18/24	WJB	Review H Starr letter for reissue of distribution check request and prepare instructions regarding same	0.2
03/19/24	WJB	Review emails from M&T Bank on transfer of requested funds regarding life insurance policy	0.2
03/20/24	WJB	Review J Lawson letter requesting payment information and multiple exchanges on original versus current event	0.3
03/23/24	WJB	Review weekly cash report	0.1
03/26/24	WJB	Review B Shea email regarding status of file and related property destruction in connection with wind-up of estate and issues regarding remaining property and course of action	0.3
03/26/24	WJB	Review CNE email report on Singleton estate response and legal issues respecting same, prepare reply	0.2
03/27/24	WJB	Review, approve, sign and send vendor checks	0.4
03/27/24	WJB	Reply to D Wetzel inquiry and review status email regarding J Wetzel	0.2
03/27/24	WJB	Review and approve payroll and forward to B Shea	0.1
03/30/24	WJB	Review weekly cash report and consider remaining balances and course of action concerning wrap-up of estate and costs to accomplish same	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/01/24	WJB	Review staff memo on communications with M D'Amico, Esq. regarding B Harris and estate requirements and prepare reply regarding same	0.2
04/02/24	WJB	Review uncashed check list and consider implications and next steps	0.2
04/04/24	WJB	Review letter from A Bajwa regarding total investment records, approve providing of same and prepare email to staff regarding same	0.3
04/06/24	WJB	Review extended weekly cash report with detail and consider same	0.2
04/09/24	WJB	Review M&T Distribution account statement and forward to B Shea for reconciliation and posting	0.1
04/09/24	WJB	Review M&T bank account 8601 statement and forward to B Shea for reconciliation and posting	0.1
04/09/24	WJB	Review Siebert statement and forward to B Shea	0.1
04/09/24	WJB	Review email from investor regarding status of replacement check and investigate same	0.1
04/10/24	WJB	Review professional statements and prepare comments to same, edit and prepare email staff regarding same	1.8
04/12/24	WJB	Review and approve payroll and prepare email B Shea regarding same	0.2
04/13/24	WJB	Review weekly cash report and analyze same	0.2
04/15/24	WJB	Review M&T distribution account statement and forward to B Shea for reconciliation and posting	0.2
04/15/24	WJB	Review M&T Bank 8601 statement and forward to B Shea for reconciliation and posting	0.1
04/15/24	WJB	Review M&T Bank account analysis statement and forward to B Shea	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/17/24	WJB	Review E Rolinson letter regarding change of address and prepare reply regarding authorization to update and reissue checks for Fourth Distribution	0.2
04/19/24	WJB	Review email regarding communications with B Bertoglio and dealing with returned envelopes, consider same and prepare reply on contacting by phone	0.4
04/20/24	WJB	Review weekly bank account analysis and consider same in light of wind down	0.2
04/22/24	WJB	Telephone call from M Umali and prepare instructions to CNE regarding reissuance of checks	0.3
04/23/24	WJB	Telephone call from A Hayes regarding bank instructing her that check was dated, prepare email staff to reissue two checks for Fourth Distribution	0.4
04/23/24	WJB	Prepare email to B Shea regarding reissuance of checks for Fourth Distribution to B Bertoglio	0.1
04/23/24	WJB	Review M&T Bank letter on overcharging per prior month analysis and forward to B Shea for action	0.2
04/27/24	WJB	Review weekly cash report and analyze same	0.2
04/28/24	WJB	Prepare email B Shea for calculation of number of investors and number of claims for inclusion in Eighth Status Report	0.1
04/29/24	WJB	Review and approve Sohr letter and reissuance of checks	0.1
04/29/24	WJB	Review M Topp letter and approve resending of checks	0.1
04/30/24	WJB	Prepare email B Shea regarding payment source for allowance of certain administrative expenses and filing of Eighth Status Report	0.2
04/30/24	WJB	Review, approve and sign replacement checks for Fourth Distribution and send same	0.7

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/02/24	WJB	Review CNE email from Mr. Umali with proof for reissued distribution checks and approve same	0.2
05/03/24	WJB	Review emails and attend to email management regarding Receiver matters	0.3
05/03/24	WJB	Telephone call from Mrs. Bajwa regarding investment letter requesting copy and prepare email staff regarding same	0.2
05/04/24	WJB	Review weekly cash report and study distribution account balance based upon Fourth Distribution withdrawals	0.2
05/04/24	WJB	Review email from B Shea regarding two investors who cashed a partial number of checks and prepare e-mail staff regarding follow-up letter to such investors regarding uncashed checks	0.3
05/06/24	WJB	Exchange emails with staff regarding Ms. Bhawa's address and authorize sending of information	0.2
05/06/24	WJB	Prepare two letters to investors who cash partial number of checks arising at our fourth distribution	0.2
05/07/24	WJB	Telephone call from Mr. Storz regarding absence of fourth distribution check and prepare email to staff to inquire same	0.3
05/07/24	WJB	Review email from staff regarding Mr. Storz fourth distribution check and Telephone call Mr. Storz regarding delivery to IRA services	0.2
05/08/24	WJB	Telephone call from Mr. Storz regarding fourth distribution checks, prep email and review respond regarding 401k and Telephone call Mr. Storz regarding same	0.5
05/10/24	WJB	Review M&T distribution accounts statement for progress in fourth distribution checks	0.2
05/10/24	WJB	Review M&T Bank 8601 account statement	0.1
05/11/24	WJB	Review weekly cash report and prepare email B Shea with question regarding same	0.2

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05/11/24	WJB	Review email with B Shea schedule	0.1
05/11/24	WJB	Review payroll and approve same and forward to B Shea	0.2
05/17/24	WJB	Review NYS Unemployment insurance change regarding amounts due for premium and forward to B Shea	0.2
05/17/24	WJB	Review M&T Bank Account Analysis statement and forward to B Shea	0.2
05/18/24	WJB	Review weekly cash report and analyze balance remaining following fourth distribution	0.2
05/20/24	WJB	Prepare reply regarding treatment of Kogan address change	0.2
05/21/24	WJB	Prepare email to B Shea regarding preparation of vendor checks	0.2
05/23/24	WJB	Review NYS unemployment insurance renewal and forward to B Shea	0.2
05/23/24	WJB	Prepare email to staff regarding Bertoglio follow up and status regarding second round of returned checks	0.2
05/23/24	WJB	Review email from W Stauffer regarding missing check and prepare email to B Shea regarding identification of check and status of negotiation	0.3
05/23/24	WJB	Prepare email to W Stauffer regarding status of inquiry and timing of same	0.2
05/24/24	WJB	Review replacement distribution checks and approve same, sign and forward for distribution	0.6
05/24/24	WJB	Review vendor checks, approve and sign same and forward for distribution	0.6
05/24/24	WJB	Review M&T bank Return check list and prepare two emails to B Shea regarding same	0.3

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05/24/24	WJB	Prepare email to B Shea and review response on confirming certain distribution checks and return of same	0.2
05/24/24	WJB	Review and approve payroll	0.2
05/24/24	WJB	Review draft letter to Dr. Hajjar regarding investment amounts based upon written letter requesting same and prepare reply with comments	0.3
05/24/24	WJB	Prepare email staff regarding certain check numbers	0.2
05/25/24	WJB	Review weekly cash report and consider progress of distribution check negotiation and remaining balance	0.2
05/28/24	WJB	Prepare email W Stauffer regarding check payable to IRA services	0.2
05/28/24	WJB	Review letter from Dr Hajjar and instruct staff to send investment information	0.2
05/29/24	WJB	Prepare multiple emails to confirm vendor and Plan replacement checks delivered and processed	0.3
05/29/24	WJB	Review email from B Shea regarding removal of office cabinets and payment for same from property to prepare for abandonment of premises	0.2
05/31/24	WJB	Review M&T Bank Treasury Center warning regarding payment fraud and control survey and forward to B Shea	0.2
06/01/24	WJB	Review weekly cash report and status of Fourth Distribution negotiated checks	0.2
06/01/24	WJB	Review email from B Shea regarding treatment and course of action on remaining Fourth Distribution uncashed checks and consider same	0.2
06/06/24	WJB	Review and approve payroll and prepare email B She regarding same	0.2

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06/08/24	WJB	Review weekly cash report including status of Fourth Distribution investor check negotiation	0.2
06/09/24	WJB	Review B Shea list of seven outstanding Fourth Distribution investor checks and proposed method to deal with same	0.2
06/10/24	WJB	Review email regarding additional proof of address for M Kogan and consider response and approve issuance of replacement check based upon evidence provided	0.3
06/12/24	WJB	Prepare email with instructions on forwarding bank statements to B Shea	0.1
06/12/24	WJB	Review M&T Distribution account statement regarding clearing of investor checks from Fourth Distribution and forward to B Shea for reconciliation and posting	0.2
06/12/24	WJB	Review M&T Bank 8601 statement and forward to B Shea for reconciliation and posting	0.2
06/12/24	WJB	Review NYS disability insurance invoice and forward to B Shea for payment	0.2
06/15/24	WJB	Review weekly cash report and investor check negotiating activity	0.2
06/17/24	WJB	Review M&T Bank account analysis statement and forward to B Shea	0.2
06/21/24	WJB	Telephone call from A Dewahare regarding no receipt of Fourth Distribution check but receipt of letter concerning failure to negotiate check and discuss procedure to obtain Fourth Distribution check	0.2
06/22/24	WJB	Review weekly cash report and status of Fourth Distribution investor check negotiation	0.2
06/22/24	WJB	Review and approve payroll and forward email to B Shea regarding same	0.2
06/26/24	WJB	Prepare email B Shea confirming receipt of vendor checks	0.1

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06/27/24	WJB	Review vendor checks, approve and sign same and return same to vendors	0.9
06/29/24	WJB	Review weekly cash report and status of 4th distribution investor check negotiation	0.2
06/29/24	WJB	Review email from B Shea regarding additional windup items to add to checklist	0.2
06/29/24	WJB	Review B Shea email on status of delivery of vendor checks and prepare reply regarding same	0.2
06/29/24	WJB	Review B Shea chart of uncashed 4th distribution checks and consider course of action	0.2
07/01/24	WJB	Review CNE email regarding Kogan check, issues with same, consider procedure and issue stop payment direction and prepare email responding to same	0.3
07/01/24	WJB	Review B Shea email regarding status of Kogan check negotiation and confirming next steps	0.2
07/02/24	WJB	Review CNE email regarding lack of receipt of issued Kogan check and lack of phone number and directions to prepare letter with instructions concerning replacement check	0.2
07/02/24	WJB	Prepare email CNE regarding instructions to M Kogan to attempt to cash check for Fourth Distribution at actual bank branch	0.2
07/03/24	WJB	Review and approve payroll and prepare email B Shea regarding same	0.2
07/06/24	WJB	Review weekly cash report and consider amount in distribution account and status of negotiation of remaining Fourth Distribution investor checks	0.2
07/08/24	WJB	Sign final version of second quarter SFAR and send to SEC	0.2

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07/08/24	WJB	Telephone call from A Otto of Questmont regarding R&S Blazina claims, procedure for intervening debt and reissuance of other checks	0.3
07/09/24	WJB	Review NYS Insurance Fund premium notice and prepare email B Shea regarding same and payment of same	0.3
07/09/24	WJB	Review M&T Bank account 8601 statement and forward to B Shea	0.2
07/12/24	WJB	Review Siebert statement and forward to B Shea	0.2
07/14/24	WJB	Prepare notes and prepare email summary to staff regarding A Otto telephone conversation regarding Blazina checks from Fourth Distribution and necessary steps to obtain replacement checks	0.4
07/15/24	WJB	Review M&T Distribution account statement focusing on status of Fourth Distribution checks and forward to B Shea for reconciliation and posting	0.2
07/15/24	WJB	Review M&T Bank account analysis statement and forward to B Shea	0.2
07/15/24	WJB	Review weekly cash report	0.3
07/15/24	WJB	Review uncleared Spectrum check issue, consider same and prepare reply to B Shea on how to proceed	0.3
07/18/24	WJB	Review NYS Insurance Fund bill and information request and prepare email B Shea regarding status and review reply	0.3
07/18/24	WJB	Review and approve payroll and forward email to B Shea regarding same	0.2
07/19/24	WJB	Review Time Warner check and prepare email B Shea regarding receipt of replacement check and send same to Time Warner	0.3
07/21/24	WJB	Review weekly cash report	0.2

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07/22/24	WJB	Examine A Dawahare documents for replacement checks and approve same; Prepare email to staff regarding same	0.3
07/22/24	WJB	Review email to B Shea regarding reissuance of Dawahare checks for Fourth Distribution	0.2
07/23/24	WJB	Review CNE email with M Kogan information concerning request for reissued check, consider process and prepare reply	0.4
07/23/24	WJB	Review 99 Pine Street security process status and security deposit refund and prepare reply email	0.2
07/24/24	WJB	Prepare email D Stoelting at SEC with website posting to investors regarding wind down of receivership and last days for certain actions	0.4
07/24/24	WJB	Review D Stoelting email regarding status of SEC judgment against receivership entities and timing of two weeks for same	0.2
07/25/24	WJB	Review open matters, status of files and organize same	0.5
07/25/24	WJB	Review vendor checks, approve same, sign and forward same including preparation of reply email to B Shea regarding same	0.7
07/25/24	WJB	Telephone call from A Otto at Questment regarding question on who to sign replacement check letter request and August 15 voiding of checks	0.2
07/26/24	WJB	Review and organize files	0.2
07/26/24	WJB	Review NYS Insurance Fund statement with credit for payment and forward to B Shea	0.2
07/26/24	WJB	Review email from AON regarding transfer of responsibility for insurance policy	0.2
07/27/24	WJB	Review weekly cash report	0.2
07/27/24	WJB	Review B Shea email regarding Blazina replacement checks and prepare reply email with instructions	0.3

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07/29/24	WJB	Review supplemental letter to M Kogan and A Dawahare regarding replacement Fourth Distributions and prepare email approval of same	0.4
07/29/24	WJB	Review Hartford Insurance refund and prepare email with instructions concerning deposit and filing of proof of same	0.3
07/30/24	WJB	Prepare email regarding receipt of replacement Blazina checks, review and sign same, prepare supplemental letter and deliver checks to staff for recording and disposition	1.2
07/30/24	WJB	Review files and attend to status	0.3
07/30/24	WJB	Review proof of deposit into bank of security deposit and Hartford Insurance refund checks	0.2
08/03/24	WJB	Review weekly cash report	0.2
08/03/24	WJB	Review outstanding fourth distribution checks and consider how to handle same	0.2
08/03/24	WJB	Prepare reply to staff and B Shea regarding no further action on uncashed fourth distribution checks considering all prior actions other than Blazina checks	0.3
08/04/24	WJB	Review, approve and prepare email regarding payroll	0.2
08/05/24	WJB	Listen to voicemail message from Questmont regarding Blazina checks and prepare email to team on reissuance	0.3
08/05/24	WJB	Telephone call to staff regarding Blazina check reissuance procedure, identify payees and telephone conference with Questmont representative regarding same and prepare email B Shea regarding same	0.7
08/06/24	WJB	Prepare email B Shea on how to issue Blazina checks regarding names and addresses	0.3
08/06/24	WJB	Cross-check Blazina check names and addresses for issuance of replacement checks and respond to same and authorize same	0.4

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08/07/24	WJB	Review CNE email to B Shea on treatment of voided checks in final Receiver report and consider same	0.3
08/07/24	WJB	Review B Shea email on method of delivery and timing of Blazina replacement checks and prepare reply regarding same	0.1
08/08/24	WJB	Review M&T Bank 8601 statement and forward to B Shea for reconciliation and posting	0.2
08/08/24	WJB	Review B Shea email with comments on treatment of voided checks and prepare reply	0.2
08/08/24	WJB	Prepare email staff regarding questions concerning status of delivery of replacement distribution checks by FedEx by B Shea	0.2
08/08/24	WJB	Review M&T Bank distribution account statement and forward to B Shea for reconciliation and posting	0.2
08/08/24	WJB	Review email from B Shea regarding delay in delivery of operating report and prepare reply regarding same	0.2
08/09/24	WJB	Review email regarding mailing of Blazina replacement checks and process for same and prepare reply	0.2
08/12/24	WJB	Review weekly cash report	0.2
08/13/24	WJB	Review M&T Bank account analysis statement and forward to B Shea	0.2
08/13/24	WJB	Review B Shea email on QuickBooks use in accounting role and distribution information	0.2
08/14/24	WJB	Review email on question whether Latimer check stop payment should be continued	0.2
08/17/24	WJB	Review weekly cash report	0.2
08/17/24	WJB	Review and approve payroll and forward email B Shea regarding same	0.2

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08/18/24	WJB	Review B Shea email on issuance of operating checks and prepare email regarding same	0.2
08/19/24	WJB	Review M&T Bank report on returned check for S Parker, Gevers and forward to B Shea	0.1
08/23/24	WJB	Receive and review vendor checks and prepare email B Shea acknowledging receipt	0.2
08/24/24	WJB	Review weekly cash report	0.2
08/24/24	WJB	Review, sign and approve vendor checks	0.3
08/26/24	WJB	Dispatch signed vendor checks and prepare email B Shea regarding same	0.4
08/28/24	WJB	Prepare email B Shea requesting uncashed check list for Fourth Distribution	0.1
08/31/24	WJB	Review weekly cash report and analyze same	0.2
08/31/24	WJB	Review, approve payroll and forward to B Shea	0.2
09/07/24	WJB	Review weekly cash report	0.2
09/07/24	WJB	Review email from B Shea regarding vacation schedule and calendar same and consider open tasks	0.2
09/07/24	WJB	Review email from B Shea regarding renewal of McGinn Smith domain and credit card to charge for same and prepare reply	0.3
09/09/24	WJB	Review M&T Bank 8601 Statement and forward to B Shea for reconciliation and posting	0.2
09/09/24	WJB	Review M&T Bank distribution account statement and forward to B Shea for reconciliation and posting	0.2

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09/09/24	WJB	Review NYS Insurance Fund credit notice and forward to B Shea	0.2
09/11/24	WJB	Review and approve payroll and prepare email B Shea regarding same	0.2
09/14/24	WJB	Review weekly cash report	0.2
09/16/24	WJB	Consider documents needed to prepare final closing of case including fee applications and wind-ups and prepare email staff regarding same	0.3
09/16/24	WJB	Review M&T Bank account analysis statement and forward to B Shea	0.2
09/23/24	WJB	Review email exchanges with insurer regarding renewal of Receivership estate insurance policy and questions regarding properties to be insured	0.3
09/23/24	WJB	Review weekly cash report	0.2
09/24/24	WJB	Review B Shea email on voiding checks proposal and clearing out M&T accounts	0.2
09/24/24	WJB	Review follow-up email from B Shea regarding process to close up M&T accounts in preparation of final tax return	0.2
09/24/24	WJB	Review letter regarding NYSIF change of EIN and prepare email to B Shea regarding same	0.2
09/24/24	WJB	Consider and respond to B Shea emails regarding closing M&T accounts in preparation for final tax return and related matters and prepare instructions regarding same pending reconciliation of all databases	0.4
09/25/24	WJB	Review and approve payroll and forward email to B Shea regarding same	0.2
09/27/24	WJB	Review extended B Shea email on proposal to make prepayments for certain vendor payments to deal with closing of M&T accounts	0.3

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09/28/24	WJB	Review weekly cash report	0.2
09/28/24	WJB	Prepare reply to B Shea regarding further assessment needed to consider email proposal to prepay certain vendor payments	0.1
09/29/24	WJB	Further analyze and prepare reply email to B Shea regarding process for dealing with vendor payments during period of transition towards shutdown and authorize same	0.3
09/30/24	WJB	Review status of various projects in preparation for windup of Receivership	0.3
10/01/24	WJB	Review B Shea email with payroll winddown proposal and concepts concerning payment mechanisms and amounts, review and consider same	0.4
10/01/24	WJB	Prepare email B Shea confirming receipt of vendor checks	0.2
10/03/24	WJB	Review B Shea list of outstanding checks	0.2
10/03/24	WJB	Prepare email CNE regarding SEC proposed judgments and dissolution process	0.2
10/05/24	WJB	Review weekly cash report	0.2
10/08/24	WJB	Review letter from NYS Insurance Fund regarding change of their EIN number, consider consequences and forward to B Shea	0.2
10/08/24	WJB	Review Siebert statement and forward to B Shea	0.2
10/08/24	WJB	Review M&T Bank Alarm Traders account statement and forward to B Shea for reconciliation and posting	0.2
10/08/24	WJB	Review M&T Bank distribution account statement and forward to B Shea for reconciliation and posting	0.2
10/08/24	WJB	Prepare email B Shea regarding status of payroll winddown decision and to stand by for further reactions	0.1

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10/09/24	WJB	Review email from Hartford Insurance confirmation renewal of insurance policy and prepare reply to agent	0.3
10/10/24	WJB	Review B Shea email on need to sign Hartford policy for acceptance of renewal and prepare reply authorizing Shea to sign and return same	0.2
10/10/24	WJB	Review email from Hartford Insurance acknowledging receipt of renewal	0.1
10/12/24	WJB	Review weekly cash report	0.2
10/13/24	WJB	Prepare email B Shea regarding status of payroll conclusion decision and process for same	0.1
10/13/24	WJB	Prepare email B Shea regarding approval of payroll winddown process post November 1 and issuance of 1099s	0.3
10/13/24	WJB	Review new payroll request for windup of payroll program, compare to prior payrolls and prepare reply with questions	0.3
10/13/24	WJB	Review B Shea payroll reply and prepare reply approving same	0.2
10/15/24	WJB	Review Hartford Insurance letter regarding insurance renewal and forward to B Shea for action	0.2
10/18/24	WJB	Review email from B Coffin inquiring on V Macvittie distribution check	0.2
10/18/24	WJB	Prepare email to staff regarding status of V Macvittie distribution check and Fourth Distribution	0.1
10/21/24	WJB	Prepare email B Shea with documents to/from National Life regarding T McGinn life insurance surrender	0.2
10/21/24	WJB	Attend to review of status of various matters	0.2
10/21/24	WJB	Prepare letter to M&T Bank on closing of Receiver distribution account and transfer of funds to PL trust account as part of winddown of Receivership	0.2

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10/21/24	WJB	Prepare letter to M&T Bank on closing of Receiver operating account and transfer of funds to PL trust account as part of winddown of Receivership	0.2
10/21/24	WJB	Review list of windup tasks and meeting with KML5, CNE regarding windup process and assignment of responsibilities	0.4
10/21/24	WJB	Review B Shea proposed notifications to NYS WCB and NYS Disability for termination of coverage on October 31 and prepare reply approving same	0.3
10/21/24	WJB	Prepare email B Coffin inquiring as to relationship with V Macvittie based upon information received on Fourth Distribution check	0.2
10/21/24	WJB	Review B Coffin reply regarding Power of Attorney and prepare reply regarding termination of Power of Attorney upon death	0.2
10/22/24	WJB	Review and revise M&T Bank letters regarding two account funds transfers and closing of M&T accounts	0.2
10/25/24	WJB	Review and sign M&T agreements to enable transfer of M&T bank accounts to PL Trust accounts as part of Receiver wind down and transmit forms to M&T Bank and prepare email with questions concerning same	0.6
10/26/24	WJB	Review weekly cash report	0.2
10/26/24	WJB	Review B Shea email with recommendations on M&T Bank account transfers and prepare reply with letters to M&T Bank already sent to enable October 31, 2024 transfers	0.3
10/29/24	WJB	Review email from B Shea with Workers Compensation and NYS disability insurance termination letters sent to NYS as of October 31, 2024	0.1
10/29/24	WJB	Review email from B Shea with ADP payroll termination letter as of October 31, 2024	0.2

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10/30/24	WJB	Prepare email PL controller regarding establishment of trust accounts and purpose of same for wind-up of Receivership	0.3
10/31/24	WJB	Multiple emails to/from M&T Bank regarding wire instructions and correction of same, confirmation of wire transfer for security purposes, conferences with staff regarding same and review M&T confirmation of wire transfers sent	0.7
11/01/24	WJB	Review and approve forms for opening of 2 trust accounts for McGinn Smith balances as part of receivership wind down	0.3
11/01/24	WJB	Prepare email B Shea confirming establishment of trust accounts for M&T funds and ongoing segregation of separate accounts	0.2
11/01/24	WJB	Review email from B Shea regarding accounting activity and recording of transactions going forward	0.1
11/02/24	WJB	Review daily account balances and new trust system accounts	0.2
11/06/24	WJB	Prepare email JNC regarding timing of writing payable checks in order to meet receivership obligations and review reply	0.2
11/06/24	WJB	Prepare email B Shea regarding timing of procedure for submitting vendor checks	0.2
11/09/24	WJB	Review email from B Shea on whether weekly cash balance reports will be required given trust accounts, consider same and prepare reply to continue weekly report	0.2
11/12/24	WJB	Review New York State Workers Compensation Board Notice of premium underpayment as a result of termination of program and prepare reply with instructions on how to proceed and forward email to B Shea for action	0.3
11/12/24	WJB	Review B Shea email regarding payment to Workers Compensation Board	0.1

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11/13/24	WJB	Review Workers Compensation Board check request from Trust Account, approve same and prepare email with instructions for payment	0.3
11/13/24	WJB	Review final M&T Bank accounts statements for operating account and distribution account following closure of accounts and forward to B Shea for reconciliation and posting	0.3
11/19/24	WJB	Review B Shea email regarding ADP charges and follow-up concerning manual billing	0.2
11/20/24	WJB	Review B Shea independent contractor invoice for November 2024 and compare with prior calculations and approve same	0.2
11/21/24	WJB	Prepare email to staff regarding B Shea independent contractor check for November services in preparation of same	0.2
11/25/24	WJB	Prepare email B Shea regarding November payment	0.1
12/02/24	WJB	Prepare check request for ADP fees for payroll	0.2
12/02/24	WJB	Review and approve ADP check request as prepared	0.1
12/02/24	WJB	Send ADP check copy to B Shea for reconciliation and posting	0.2
12/02/24	WJB	Review email from B Shea regarding final reconciliation requiring final review	0.2
12/05/24	WJB	Review CNE email with Exhibit A to Receiver's final report as draft with notes and explanations	0.4
12/06/24	WJB	Prepare email CNE following review and approval of schedule for final report	0.2
12/06/24	WJB	Review ADP notice of FUTA amount due in January 2025	0.2
12/07/24	WJB	Review weekly cash report	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/07/24	WJB	Review B Shea email with questions on insurance premium payment and approval of same	0.2
12/07/24	WJB	Review New York State disability insurance invoice and B Shea explanation regarding same despite having sent termination notice to New York State	0.2
12/10/24	WJB	Review M&T Bank final distribution account statement and forward to B Shea for reconciliation and posting	0.2
12/10/24	WJB	Review M&T Bank 8601 account final statement and forward to B Shea for reconciliation and posting	0.2
12/10/24	WJB	Review New York State Insurance Fund payroll verification request letter and forward to B Shea for action	0.2
12/10/24	WJB	Review B Shea email confirming filing of payroll report	0.1
12/11/24	WJB	Prepare email B Shea requesting him to call New York State Insurance Fund to confirm termination of coverage in light of receipt of bill for policy	0.2
12/11/24	WJB	Prepare email to staff to prepare check for Hartford Insurance premium bill for 2025	0.2
12/11/24	WJB	Review email from B Shea regarding need for signed Receiver letter to send to New York State Insurance Fund to confirm termination of coverage	0.2
12/14/24	WJB	Review weekly cash report	0.2
12/16/24	WJB	Review M&T Bank final account analysis statement and forward to B Shea	0.2
12/18/24	WJB	Review email from B Shea on status of termination letter to New York State Insurance Fund	0.1
12/19/24	WJB	Revise proposed Receiver letter to New York State Insurance Fund requesting for second time termination of policy given wind down of employee operations	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/19/24	WJB	Review B Shea email regarding Hartford Insurance renewal, check amount and prepare reply regarding paying quarterly premium only	0.2
12/20/24	WJB	Review revised and final version of New State Insurance Fund termination letter and send to New York State	0.2
12/20/24	WJB	Prepare email B Shea to request amount paid to Hartford Insurance for monitoring for next payment	0.1
12/20/24	WJB	Review B Shea monthly invoice and proof same	0.1
12/20/24	WJB	Review multiple email and prepare reply regarding obtaining delivery evidence for New York State Insurance Fund letter	0.1
12/21/24	WJB	Review weekly cash report	0.2
12/23/24	WJB	Review New York State Insurance Fund credit balance letter and forward to B Shea for action	0.2
12/23/24	WJB	TT from S Breese regarding C Breese history of distribution checks, status of case and assistance with change of address process	0.4
12/24/24	WJB	Prepare email B Shea confirming issuance of December 2024 check for payment	0.2
12/24/24	WJB	Prepare email to staff regarding Shea December 2024 check processed	0.2
12/27/24	WJB	Review weekly cash report	0.2
12/31/24	WJB	Prepare multiple emails regarding preparation and issuance of trust account ledger in preparation for fourth quarter SFAR Report	0.4
01/02/25	WJB	Review 2 trust account ledgers and send to B Shea for inclusion in comparison for fourth quarter SFAR report	0.4
01/02/25	WJB	Review New York State workers compensation inquiry on payroll data and prepare email B Shea with instructions	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/02/25	WJB	Review email from B Shea regarding his inability to print workers compensation payroll report for forwarding an explanation regarding same	0.2
01/03/25	WJB	Review draft letter to New York State Insurance Fund and revise same	0.3
01/03/25	WJB	Review email with New York State insurance fund enclosures on post termination notice	0.2
01/04/25	WJB	Review weekly cash repot	0.2
01/04/25	WJB	Review B Shea email on state of New York State Insurance Fund refund request	0.1
01/04/25	WJB	Review B Shea email on wind down request for technology services and email storage	0.2
01/04/25	WJB	Review B Shea email on Esozo IT wind down and consider process and potential alterations to same	0.3
01/05/25	WJB	Review B Shea expense report and items in same	0.1
01/06/25	WJB	Prepare email B Shea with New York State Insurance Fund refund request letter for records purpose	0.1
01/06/25	WJB	Approve B Shea expense report and forward to staff for issuance of check and payment process	0.2
01/06/25	WJB	Prepare email B Shea regarding additional time needed to evaluate technology wind down proposal	0.1
01/06/25	WJB	Review New York State Insurance Fund credit statement received in mail	0.1
01/06/25	WJB	Review issued check for expenses and forward to B Shea	0.1
01/06/25	WJB	Review Hartford Insurance past due notice and email B Shea regarding same and review reply regarding Hartford being slow to process payments	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/06/25	WJB	Review B Shea email regarding New York State Insurance Fund statement in confirming refund request issued	0.1
01/10/25	WJB	Review weekly cash report	0.2
01/10/25	WJB	Review email from B Shea regarding January 30 ISOS payment and its relation to wind down strategy	0.1
01/13/25	WJB	Review email from B Shea regarding FuseMail and specifics of proposed IT wind down for same	0.2
01/13/25	WJB	Review B Shea follow up email explaining FuseMail wind down proposal	0.2
01/17/25	WJB	Review second Hartford Insurance notice of non-receipt of premium payment from B Shea and to request further information	0.2
01/17/25	WJB	Review weekly cash report	0.2
01/19/25	WJB	Prepare email B Shea requesting insurance agent to check status of Hartford premium payment	0.1
01/20/25	WJB	Prepare email JNC requesting check on Hartford Insurance trust check for premium payment in light of Hartford notices regarding non-receipt	0.2
01/20/25	WJB	Review B Shea contractor invoice detail for January 2025	0.1
01/20/25	WJB	Review JNC answer regarding Hartford check and error in printing of Hartford check at PL and prepare email providing instructions to issue new check for immediate payment	0.2
01/20/25	WJB	Prepare email B Shea regarding overnighting check to Hartford Insurance and review response regarding request in increasing amount of premium duration paid	0.2
01/20/25	WJB	Prepare email staff with instructions to have new Hartford Insurance premium check issued and method of transmission	0.2

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
01/22/25	WJB	Review and sign Hartford explanation letter regarding premium payment and send same	0.3
01/22/25	WJB	Prepare follow-up email on Hartford insurance letter and check status and review reply	0.1
01/23/25	WJB	Prepare email request to staff for letter to Hartford Insurance, issuance of check and delivery evidence	0.2
01/24/25	WJB	Review B Shea email for details on question concerning status of eSozo wind down	0.1
01/24/25	WJB	Review weekly cash report	0.2
01/24/25	WJB	Review and tickle email from B Shea regarding February vacation	0.1
01/26/25	WJB	Review vendor check request from B Shea	0.2
01/26/25	WJB	Review B Shea email on technology wind down and message receive received to proceed	0.1
01/27/25	WJB	Prepare payment approval and request for vendor checks to IT providers for payment	0.2
01/30/25	WJB	Review B Shea contractor payment request, approve same and forward for processing	0.2
01/31/25	WJB	Review weekly cash report	0.2
		CURRENT FEES	\$49,180.00

TOTAL AMOUNT OF THIS INVOICE \$49,180.00

\*\*\*PAYMENT DUE UPON RECEIPT\*\*\*

# **CATEGORY S**

**SEC vs. MCGINN SMITH & Co., INC., ET AL.**



## Phillips Lytle LLP

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 One Canalside  
 125 Main Street  
 Buffalo, NY 14203-2887  
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 FED I.D. #16-0505790

William J. Brown, Esq.  
 Phillips Lytle LLP  
 One Canalside  
 125 Main Street  
 Buffalo, NY 14203

Invoice Number 1133786  
 Invoice Date 02/05/25  
 Client Number 33474  
 Matter Number 00018  
 W J Brown

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### Re: SEC V MCGINN SMITH & CO., INC., ET AL

FOR PROFESSIONAL SERVICES RENDERED THROUGH JANUARY 31, 2025:

<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
03/19/24	WJB	Review NDNY Order transferring SEC v. McGinn case and issue instructions on web posting and alteration of pleadings	0.3
04/03/24	WJB	Consider timing and format of entry of SEC Judgment against Receivership entities based upon prior Court Order scheduling deadline	0.2
04/12/24	WJB	Review court order regarding filing of judgment against Receivership entities which had been deferred and prepare proposed language and email to SEC regarding carveout for investor distributions to investors with allowed claims and prepare email to D Stoelting at SEC regarding same	1.1
04/17/24	WJB	Prepare email D Stoelting regarding judgment against Receivership entities and continuing discussion regarding same and availability for same	0.2
04/18/24	WJB	Telephone discussion with D Stoelting of SEC regarding Receivership proposed judgment and carveout for investor distributions	0.3
04/19/24	WJB	Review D Stoelting email with question concerning Receivership judgment and prepare reply regarding needing time to consider same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
04/22/24	WJB	Prepare email to D Stoelting regarding Receiver response regarding judgment against Receivership entities with facts on uncashed checks and limited scope of judgment to protect investors with allowed claims	1.0
04/22/24	WJB	Telephone conference with D Stoelting regarding discussion of form of judgment against Receivership entities and carveout requested by Receiver	0.6
04/22/24	WJB	Review D Stoelting email regarding SEC position on proposed judgment against Receivership entities	0.2
04/23/24	WJB	Review ECF filings and attend to same	0.2
04/26/24	WJB	Prepare draft Eighth Status Report and Response to Entry of SEC judgment against Receivership entities	0.8
04/27/24	WJB	Prepare further revisions to draft Eighth Status Report and Response regarding entry of SEC judgment against Receivership entities per prior Court Order, research prior pleadings regarding SEC judgment and review docket	1.1
04/28/24	WJB	Prepare email regarding revisions to Eighth Status Report and request for final version of same	0.3
04/29/24	WJB	Review email from D Stoelting approving judgment language in Eighth Status Report, finalizing Eighth Status Report and attend to filing of final version and approval of same with Court	0.5
04/30/24	WJB	Review email regarding correction to draft Eighth Status Report and inability to link to Text Order, consider same	0.1
05/02/24	WJB	Review D Stoelting email with draft status report to comply with Court Order, review same and prepare comment and email same to D Stoelting	0.4
05/02/24	WJB	Review revised SEC court report and prepare email D Stoelting with final comment regarding same	0.2
05/02/24	WJB	Review SEC filed status report	0.1

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
05/02/24	CNE	Review SEC status report	0.2
05/21/24	WJB	Review two court orders respecting fee applications, consider same and forward posting on receivers website and next steps	0.3
08/02/24	WJB	Review NDNY Order regarding reduction of T McGinn sentence and consider potential implications	0.4
08/06/24	WJB	Review email from D Stoelting regarding question on existence of preliminary injunction continuation, consider same and prepare reply	0.4
08/06/24	WJB	Review D Stoelting and SEC response to question on preliminary injunction status	0.2
08/08/24	WJB	Review D Stoelting email on arrangements for conference call and prepare reply and review CNE response regarding same	0.2
08/08/24	WJB	Briefly review proposed SEC judgment and prepare email D Stoelting with preliminary questions	0.4
08/08/24	WJB	Telephone conference CNE and D Stoelting of SEC regarding SEC proposed judgment and discussion of same	0.4
08/08/24	CNE	Attend call with WJB and D Stoelting regarding status of preliminary injunction	0.3
08/27/24	WJB	Mark up changes to SEC proposed Consent Agreement and proposed Judgment	1.1
08/27/24	WJB	Prepare email D Stoelting regarding proposed changes to Consent Agreement and proposed Judgment and timing regarding same and review reply	0.1
08/28/24	WJB	Engage in final review of comments to Consent Agreement and proposed Judgment, finalize and send to D Stoelting at SEC	0.7
08/29/24	WJB	Prepare reply email to D Stoelting in response to request for conversation regarding preparation of status report	0.1
08/29/24	WJB	Review draft SEC status report and prepare comments to same	0.3

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
08/29/24	WJB	Telephone call to D Stoelting of SEC regarding discussion of scope of final judgments against some defendants and existence of TRO, review judgments and discuss same for purposes of finalizing SEC status report	0.4
08/29/24	WJB	Review D Stoelting email regarding status of preliminary injunction and consequences regarding language in SEC status report, prepare reply email and review preliminary injunction order	0.2
08/29/24	WJB	Review D Stoelting question regarding certain sections of preliminary injunction order and prepare analysis email to D Stoelting regarding same	0.4
08/29/24	WJB	Review email from D Stoelting with proposed new language for SEC status report, consider same and prepare reply	0.3
10/17/24	WJB	Review email from D Stoelting at SEC requesting call on potential SEC judgments and status of seven entity dissolutions and reasons for same	0.1
10/17/24	WJB	Prepare reply email to D Stoelting regarding reason for seven entities remaining open for tax return purposes	0.3
10/17/24	WJB	Prepare email CNE regarding seven entities remaining open and verifying reason for same	0.2
10/17/24	WJB	Review CNE report on exact reasons for seven entities pending dissolution and prepare email D Stoelting regarding same	0.5
10/17/24	WJB	Contact D Stoelting for conference call on proposed SEC judgments and prepare email regarding same	0.2
10/21/24	WJB	Prepare email D Stoelting regarding scheduling of conference call regarding proposed SEC judgment	0.1
10/22/24	WJB	Prepare for conference call with D Stoelting of SEC regarding proposed judgments and telephone conferences with D Stoelting regarding same including particular language of proposed judgment regarding satisfaction of judgment, analysis and course of action	0.8

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
10/22/24	WJB	Prepare email CNE regarding SEC question on potential impact of SEC judgments on dissolution process	0.4
10/23/24	WJB	Review CNE email summarizing research on whether proposed SEC judgments have any affect on dissolution process of remaining McGinn Smith entities	0.2
10/24/24	WJB	Review court decision received from D Stoelting in connection with proposed SEC judgments, review same and prepare reply recommending course of action based upon same	0.3
10/24/24	WJB	Telephone conference D Stoelting regarding discussion of analysis of various points regarding form of proposed judgments, D Smith judgment and consent of Receiver to same	0.3
10/29/24	WJB	Review CNE email summarizing terms and conditions of previously entered wrap-up Order approved by court and study next steps along with terms and provisions	0.4
11/07/24	WJB	Review email from D Stoelting at SEC with proposed consent and judgement for review, and briefly review point 2	0.2
11/07/24	WJB	Teleconference D Stoelting of SEC regarding questions related to SEC v McGinn Smith judgments, history, scope of relief	0.4
11/07/24	WJB	Review additional email from D Stoelting with new question regarding coordination of reduction of amount of judgement based upon monies distributed to defrauded investors	0.2
11/14/24	WJB	Review proposed SEC judgement and consent prepared by SEC and prepare reply email to D Stoelting at SEC regarding changes to consent need to be incorporated into revisions	0.5
11/14/24	WJB	Prepare email D Stoelting regarding interpretation of D Smith and T McGinn judgement regarding reduction of judgement by amounts paid to investors	0.2
11/14/24	WJB	Prepare reply to D Stoelting at SEC regarding new question regarding reduction of judgement by virtue of payments and prepare reply to D Stoelting regarding same	0.5

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
11/16/24	WJB	Review weekly cash report	0.2
11/17/24	WJB	Review email from B Shea regarding dealing with MicroSoft license charges for remaining receivership period, consider same and approve payment of same	0.2
11/20/24	WJB	Review D Stoelting request for judgements comments from prior email prepared by Receiver, locate same and resend to SEC	0.3
11/21/24	WJB	Locate and review prior comments sent to SEC on consent and judgement and prepare email to D Stoelting regarding same purpose request	0.3
11/21/24	WJB	Review D Stoelting on comments to consent and judgement and prepare reply regarding receiver position on both documents and reasons why	0.4
11/21/24	WJB	Review trust account paperwork for B Shea November payment and approve same	0.1
11/23/24	WJB	Review weekly cash report	0.2
11/23/24	WJB	Prepare email staff on status of check issuance to B Shea from trust account	0.1
12/04/24	WJB	Review email from D Stoelting regarding conference call concerning final judgement and prepare reply regarding same including review of request for analysis of reasons for proposed disgorgement amount	0.2
12/05/24	WJB	Consider and prepare email to SEC why disgorgement amount in judgement is necessary for seven entities	0.4
12/06/24	WJB	Review SEC draft report for comment and prepare reply	0.2
12/06/24	WJB	Review E Coombe's letter to court requesting removal from civil action Notice of Appearance	0.1
12/06/24	WJB	Review SEC status report as filed with court	0.2
12/10/24	WJB	Review SEC email with revised consent and final judgements and prepare reply to SEC regarding same	0.4

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<u>Date</u>	<u>Tkpr</u>		<u>Hours</u>
12/12/24	WJB	Review email regarding possibility of T McGinn being granted clemency by President Biden and prepare email D Stoelting regarding same, review of clemency list	0.3
12/12/24	WJB	Review email from SEC confirming T McGinn on clemency list	0.1
12/13/24	WJB	Review email from D Stoelting with T McGinn prisoner number to confirm grant of clemency	0.2
12/16/24	WJB	Review court filing of Executive Order of clemency granted to T McGinn	0.2
12/30/24	WJB	Review email from B Shea regarding financial information and reconciliation of same for fourth quarter 2024 SFAR Report	0.3
01/13/25	WJB	Review order substituting magistrate judge in SEC action	0.1
CURRENT FEES			\$15,180.00
TOTAL AMOUNT OF THIS INVOICE			\$15,180.00

\*\*\*PAYMENT DUE UPON RECEIPT\*\*\*

# *Exhibit C*

**WILLIAM J. BROWN, ESQ  
RECEIVER**

**PHILLIPS LYTTLE LLP  
125 MAIN STREET  
BUFFALO, NY 14203  
PHONE 716 847 7089**

# **STANDARDIZED FUND ACCOUNTING REPORT**

**CIVIL DISTRIBUTION FUND**

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**MCGINN, SMITH & CO. INC. ET. AL.  
CIVIL COURT DOCKET No.  
10-CV-457(GLS/CFH)**

**REPORTING PERIOD 1/1/2024 TO 3/31/2024**

**STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis**  
**Receivership; Civil Court Docket No. 10-CV-457(GLS/CFH)**  
**Reporting Period 10**  
**1/1/24 to 3/31/24**

<b>FUND ACCOUNTING (See Instructions):</b>				
		<b>Detail</b>	<b>Subtotal</b>	<b>Grand Total</b>
Line 1	<b>Beginning Balance (As of 6/30/2023):</b>	1,559,382	1,559,382	1,559,382
	<b>Increases in Fund Balance:</b>			
Line 2	Business Income	2,080	2,080	2,080
Line 3	Cash and Securities			
Line 4	Interest/Dividend Income	-	-	-
Line 5	Business Asset Liquidation			
Line 6	Personal Asset Liquidation			
Line 7	Third-Party Litigation Income			
Line 8	Miscellaneous - Other			
	<b>Total Funds Available (Lines 1 – 8):</b>	<b>1,561,462</b>	<b>1,561,462</b>	<b>1,561,462</b>
	<b>Decreases in Fund Balance:</b>			
Line 9	Disbursements to Investors	1,208,306	1,208,306	1,208,306
Line 10	<b>Disbursements for Receivership Operations</b>			
Line 10a	Disbursements to Receiver or Other Professionals		-	-
Line 10b	Business Asset Expenses	16,062	16,062	16,062
Line 10c	Personal Asset Expenses			
Line 10d	Investment Expenses			
Line 10e	Third-Party Litigation Expenses			
	1. Attorney Fees			
	2. Litigation Expenses			
	<b>Total Third-Party Litigation Expenses</b>			
Line 10f	Tax Administrator Fees and Bonds			
Line 10g	Federal and State Tax Payments			
	<b>Total Disbursements for Receivership Operations</b>	<b>16,062</b>	<b>16,062</b>	<b>16,062</b>
Line 11	<b>Disbursements for Distribution Expenses Paid by the Fund:</b>			
Line 11a	<b>Distribution Plan Development Expenses:</b>			
	1. Fees:			
	Fund Administrator.....			
	Independent Distribution Consultant (IDC).....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<b>Total Plan Development Expenses</b>			
Line 11b	<b>Distribution Plan Implementation Expenses:</b>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR)			
	Reporting Expenses			
	<b>Total Plan Implementation Expenses</b>			
	<b>Total Disbursements for Distribution Expenses Paid by the Fund</b>			
Line 12	<b>Disbursements to Court/Other:</b>			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			
Line 12b	Federal Tax Payments			
	<b>Total Disbursements to Court/Other:</b>			

**STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis**  
**Receivership; Civil Court Docket No. 10-CV-457(GLS/CFH)**  
**Reporting Period 10**  
**1/1/24 to 3/31/24**

Line 13	Total Funds Disbursed (Lines 9 – 11): Ending Balance (As of 9/30/2023):			337,094
Line 14	Ending Balance of Fund – Net Assets:			
Line 14a	Cash & Cash Equivalents			
Line 14b	Investments			
Line 14c	Other Assets or Uncleared Funds			
	Total Ending Balance of Fund – Net Assets			\$ 337,094

OTHER SUPPLEMENTAL INFORMATION:				
		Detail	Subtotal	Grand Total
Line 15	<b>Report of Items NOT To Be Paid by the Fund:</b>			
Line 15a	<b>Disbursements for Plan Administration Expenses Not Paid by the Fund:</b>			
	Plan Development Expenses Not Paid by the Fund:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	Total Plan Development Expenses Not Paid by the Fund			
Line 15b	Plan Implementation Expenses Not Paid by the Fund:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	Total Plan Implementation Expenses Not Paid by the Fund			
Line 15c	Tax Administrator Fees & Bonds Not Paid by the Fund			
	Total Disbursements for Plan Administration Expenses Not Paid by the Fund			
Line 16	<b>Disbursements to Court/Other Not Paid by the Fund:</b>			
Line 16a	Investment Expenses/CRIS Fees			
Line 16b	Federal Tax Payments			
	Total Disbursements to Court/Other Not Paid by the Fund:			
Line 17	<b>DC &amp; State Tax Payments</b>			
Line 18	<b>No. of Claims:</b>			
Line 18a	# of Claims Received This Reporting Period.....			
Line 18b	# of Claims Received Since Inception of Fund.....			2,781
Line 19	<b>No. of Claimants/Investors:</b>			
Line 19a	# of Claimants/Investors Paid This Reporting Period.....			2,185
Line 19b	# of Claimants/Investors Paid Since Inception of Fund.....			7,015

Receiver:  
 By:   
 (signature)  
 William D. Brown  
 (printed name)  
 Receiver  
 (title)  
 Date: April 12, 2024

WILLIAM J. BROWN, ESQ  
RECEIVER

PHILLIPS LYTTLE LLP  
125 MAIN STREET  
BUFFALO, NY 14203  
PHONE 716 847 7089

# STANDARDIZED FUND ACCOUNTING REPORT

CIVIL DISTRIBUTION FUND

---

MCGINN, SMITH & CO. INC. ET. AL.  
CIVIL COURT DOCKET No.  
10-CV-457(GLS/CFH)

REPORTING PERIOD 4/1/2024 TO 6/30/2024

**STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis**  
**Receivership; Civil Court Docket No. 10-CV-457(GLS/CFH)**  
**Reporting Period 10**  
**4/1/24 to 6/30/24**

FUND ACCOUNTING (See Instructions):		Detail	Subtotal	Grand Total
Line 1	Beginning Balance (As of 3/31/2024):	337,094	337,094	337,094
	<b>Increases in Fund Balance:</b>			
Line 2	Business Income		-	-
Line 3	Cash and Securities		-	-
Line 4	Interest/Dividend Income		-	-
Line 5	Business Asset Liquidation		-	-
Line 6	Personal Asset Liquidation		-	-
Line 7	Third-Party Litigation Income		-	-
Line 8	Miscellaneous - Other		-	-
	<b>Total Funds Available (Lines 1 – 8):</b>	<b>337,094</b>	<b>337,094</b>	<b>337,094</b>
	<b>Decreases in Fund Balance:</b>			
Line 9	Disbursements to Investors	36,980	36,980	36,980
Line 10	<b>Disbursements for Receivership Operations</b>			
Line 10a	Disbursements to Receiver or Other Professionals	90,691	90,691	90,691
Line 10b	Business Asset Expenses	15,845	15,845	15,845
Line 10c	Personal Asset Expenses			
Line 10d	Investment Expenses			
Line 10e	Third-Party Litigation Expenses			
	1. Attorney Fees			
	2. Litigation Expenses			
	Total Third-Party Litigation Expenses			
Line 10f	Tax Administrator Fees and Bonds			
Line 10g	Federal and State Tax Payments			
	<b>Total Disbursements for Receivership Operations</b>	<b>106,536</b>	<b>106,536</b>	<b>106,536</b>
Line 11	<b>Disbursements for Distribution Expenses Paid by the Fund:</b>			
Line 11a	<b>Distribution Plan Development Expenses:</b>			
	1. Fees:			
	Fund Administrator			
	Independent Distribution Consultant (IDC)			
	Distribution Agent			
	Consultants			
	Legal Advisers			
	Tax Advisers			
	2. Administrative Expenses			
	3. Miscellaneous			
	Total Plan Development Expenses			
Line 11b	<b>Distribution Plan Implementation Expenses:</b>			
	1. Fees:			
	Fund Administrator			
	IDC			
	Distribution Agent			
	Consultants			
	Legal Advisers			
	Tax Advisers			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan			
	Claimant Identification			
	Claims Processing			
	Web Site Maintenance/Call Center			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR)			
	Reporting Expenses			
	Total Plan Implementation Expenses			
	<b>Total Disbursements for Distribution Expenses Paid by the Fund</b>			
Line 12	<b>Disbursements to Court/Other:</b>			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			
Line 12b	Federal Tax Payments			
	<b>Total Disbursements to Court/Other:</b>			

**STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis**  
**Receivership; Civil Court Docket No. 10-CV-457(GLS/CFH)**  
**Reporting Period 10**  
**4/1/24 to 6/30/24**

<b>Line 13</b>	<b>Total Funds Disbursed (Lines 9 – 11):</b>			<b>193,578</b>
	<b>Ending Balance (As of 6/30/2024):</b>			
<b>Line 14</b>	<b>Ending Balance of Fund – Net Assets:</b>			
<i>Line 14a</i>	<i>Cash &amp; Cash Equivalents</i>			
<i>Line 14b</i>	<i>Investments</i>			
<i>Line 14c</i>	<i>Other Assets or Uncleared Funds</i>			
	<b>Total Ending Balance of Fund – Net Assets</b>			<b>\$ 193,578</b>

**OTHER SUPPLEMENTAL INFORMATION:**

		Detail	Subtotal	Grand Total
<b>Line 15</b>	<b>Report of Items NOT To Be Paid by the Fund:</b>			
	<b>Disbursements for Plan Administration Expenses Not Paid by the Fund:</b>			
<i>Line 15a</i>	<i>Plan Development Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator .....			
	IDC .....			
	Distribution Agent .....			
	Consultants .....			
	Legal Advisers .....			
	Tax Advisers .....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<i>Total Plan Development Expenses Not Paid by the Fund</i>			
<i>Line 15b</i>	<i>Plan Implementation Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator .....			
	IDC .....			
	Distribution Agent .....			
	Consultants .....			
	Legal Advisers .....			
	Tax Advisers .....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan .....			
	Claimant Identification .....			
	Claims Processing .....			
	Web Site Maintenance/Call Center .....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	<i>Total Plan Implementation Expenses Not Paid by the Fund</i>			
<i>Line 15c</i>	<i>Tax Administrator Fees &amp; Bonds Not Paid by the Fund</i>			
	<b>Total Disbursements for Plan Administration Expenses Not Paid by the Fund</b>			
<b>Line 16</b>	<b>Disbursements to Court/Other Not Paid by the Fund:</b>			
<i>Line 16a</i>	<i>Investment Expenses/CRIS Fees</i>			
<i>Line 16b</i>	<i>Federal Tax Payments</i>			
	<b>Total Disbursements to Court/Other Not Paid by the Fund:</b>			
<b>Line 17</b>	<b>DC &amp; State Tax Payments</b>			
<b>Line 18</b>	<b>No. of Claims:</b>			
<i>Line 18a</i>	<i># of Claims Received This Reporting Period .....</i>			
<i>Line 18b</i>	<i># of Claims Received Since Inception of Fund .....</i>			2,781
<b>Line 19</b>	<b>No. of Claimants/Investors:</b>			
<i>Line 19a</i>	<i># of Claimants/Investors Paid This Reporting Period .....</i>			53
<i>Line 19b</i>	<i># of Claimants/Investors Paid Since Inception of Fund .....</i>			7,068

Receiver:  
 By: William J. Brown  
 (signature)

William J. Brown  
 (printed name)

Receiver  
 Date: 7/8/24

WILLIAM J. BROWN, ESQ  
RECEIVER

PHILLIPS LYTTLE LLP  
125 MAIN STREET  
BUFFALO, NY 14203  
PHONE 716 847 7089

# STANDARDIZED FUND ACCOUNTING REPORT

CIVIL DISTRIBUTION FUND

---

MCGINN, SMITH & CO. INC. ET. AL.  
CIVIL COURT DOCKET No.  
10-CV-457(GLS/CFH)

REPORTING PERIOD 7/1/2024 TO 9/30/2024

**STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis**  
 Receivership; Civil Court Docket No. 10-CV-457(GLS/CFH)  
 Reporting Period 10  
 7/1/24 to 9/30/24

<b>FUND ACCOUNTING (See Instructions):</b>				
		<b>Detail</b>	<b>Subtotal</b>	<b>Grand Total</b>
<b>Line 1</b>	<b>Beginning Balance (As of 6/30/2024):</b>	193,578	193,578	193,578
	<b>Increases in Fund Balance:</b>			
<b>Line 2</b>	<b>Business Income</b>	-	-	-
<b>Line 3</b>	<b>Cash and Securities</b>	-	-	-
<b>Line 4</b>	<b>Interest/Dividend Income</b>	-	-	-
<b>Line 5</b>	<b>Business Asset Liquidation</b>	-	-	-
<b>Line 6</b>	<b>Personal Asset Liquidation</b>	-	-	-
<b>Line 7</b>	<b>Third-Party Litigation Income</b>	-	-	-
<b>Line 8</b>	<b>Miscellaneous - Other</b>	-	-	-
	<b>Total Funds Available (Lines 1 – 8):</b>	193,578	193,578	193,578
	<b>Decreases in Fund Balance:</b>			
<b>Line 9</b>	<b>Disbursements to Investors</b>	4,319	4,319	4,319
<b>Line 10</b>	<b>Disbursements for Receivership Operations</b>			
Line 10a	Disbursements to Receiver or Other Professionals	-	-	-
Line 10b	Business Asset Expenses	13,310	13,310	13,310
Line 10c	Personal Asset Expenses			
Line 10d	Investment Expenses			
Line 10e	Third-Party Litigation Expenses			
	1. Attorney Fees			
	2. Litigation Expenses			
	<b>Total Third-Party Litigation Expenses</b>			
Line 10f	Tax Administrator Fees and Bonds			
Line 10g	Federal and State Tax Payments			
	<b>Total Disbursements for Receivership Operations</b>	13,310	13,310	13,310
<b>Line 11</b>	<b>Disbursements for Distribution Expenses Paid by the Fund:</b>			
Line 11a	<b>Distribution Plan Development Expenses:</b>			
	1. Fees:			
	Fund Administrator.....			
	Independent Distribution Consultant (IDC).....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<b>Total Plan Development Expenses</b>			
Line 11b	<b>Distribution Plan Implementation Expenses:</b>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR) Reporting Expenses			
	<b>Total Plan Implementation Expenses</b>			
	<b>Total Disbursements for Distribution Expenses Paid by the Fund</b>			
<b>Line 12</b>	<b>Disbursements to Court/Other:</b>			
Line 12a	Investment Expenses/Court Registry Investment System (CRIS) Fees			
Line 12b	Federal Tax Payments			
	<b>Total Disbursements to Court/Other:</b>			
	<b>Total Funds Disbursed (Lines 9 – 11):</b>			
<b>Line 13</b>	<b>Ending Balance (As of 9/30/2024):</b>			<b>175,949</b>

**STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis**  
 Receivership; Civil Court Docket No. 10-CV-457(GLS/CFH)  
 Reporting Period 10  
 7/1/24 to 9/30/24

<b>Line 14</b>	<b>Ending Balance of Fund – Net Assets:</b>			
Line 14a	Cash & Cash Equivalents			
Line 14b	Investments			
Line 14c	Other Assets or Uncleared Funds			
	<b>Total Ending Balance of Fund – Net Assets</b>			<b>\$ 175,949</b>

<b>OTHER SUPPLEMENTAL INFORMATION:</b>				
		<b>Detail</b>	<b>Subtotal</b>	<b>Grand Total</b>
	<b>Report of Items NOT To Be Paid by the Fund:</b>			
<b>Line 15</b>	<b>Disbursements for Plan Administration Expenses Not Paid by the Fund:</b>			
Line 15a	Plan Development Expenses Not Paid by the Fund:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<b>Total Plan Development Expenses Not Paid by the Fund</b>			
Line 15b	Plan Implementation Expenses Not Paid by the Fund:			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	<b>Total Plan Implementation Expenses Not Paid by the Fund</b>			
Line 15c	Tax Administrator Fees & Bonds Not Paid by the Fund			
	<b>Total Disbursements for Plan Administration Expenses Not Paid by the Fund</b>			
<b>Line 16</b>	<b>Disbursements to Court/Other Not Paid by the Fund:</b>			
Line 16a	Investment Expenses/CRIS Fees			
Line 16b	Federal Tax Payments			
	<b>Total Disbursements to Court/Other Not Paid by the Fund:</b>			
<b>Line 17</b>	<b>DC &amp; State Tax Payments</b>			
<b>Line 18</b>	<b>No. of Claims:</b>			
Line 18a	# of Claims Received This Reporting Period.....			
Line 18b	# of Claims Received Since Inception of Fund.....			2,781
<b>Line 19</b>	<b>No. of Claimants/Investors:</b>			
Line 19a	# of Claimants/Investors Paid This Reporting Period.....			13
Line 19b	# of Claimants/Investors Paid Since Inception of Fund.....			7,081

Receiver: \_\_\_\_\_  
 By: William J. Brown  
 (signature)  
William J. Brown  
 (printed name)  
Receiver  
 (title)  
 Date: 10/28/24

WILLIAM J. BROWN, ESQ  
RECEIVER

PHILLIPS LYTTLE LLP  
125 MAIN STREET  
BUFFALO, NY 14203  
PHONE 716 847 7089

# STANDARDIZED FUND ACCOUNTING REPORT

CIVIL DISTRIBUTION FUND

---

MCGINN, SMITH & CO. INC. ET. AL.  
CIVIL COURT DOCKET No.  
10-CV-457(GLS/CFH)

REPORTING PERIOD 10/1/2024 TO 12/31/2024

**STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis**  
 Receivership; Civil Court Docket No. 10-CV-457(GLS/CFH)  
 Reporting Period 10  
 10/1/24 to 12/31/24

<b>FUND ACCOUNTING (See Instructions):</b>				
		<b>Detail</b>	<b>Subtotal</b>	<b>Grand Total</b>
<b>Line 1</b>	<b>Beginning Balance (As of 9/30/2024):</b>	<b>175,949</b>	<b>175,949</b>	<b>175,949</b>
	<b><i>Increases in Fund Balance:</i></b>			
<b>Line 2</b>	<b>Business Income</b>		-	-
<b>Line 3</b>	<b>Cash and Securities</b>			
<b>Line 4</b>	<b>Interest/Dividend Income</b>		-	-
<b>Line 5</b>	<b>Business Asset Liquidation</b>		-	-
<b>Line 6</b>	<b>Personal Asset Liquidation</b>			
<b>Line 7</b>	<b>Third-Party Litigation Income</b>		-	-
<b>Line 8</b>	<b>Miscellaneous - Other</b>		-	-
	<b>Total Funds Available (Lines 1 – 8):</b>	<b>175,949</b>	<b>175,949</b>	<b>175,949</b>
	<b><i>Decreases in Fund Balance:</i></b>			
<b>Line 9</b>	<b>Disbursements to Investors</b>		-	-
<b>Line 10</b>	<b>Disbursements for Receivership Operations</b>		-	-
<b>Line 10a</b>	<b><i>Disbursements to Receiver or Other Professionals</i></b>		-	-
<b>Line 10b</b>	<b><i>Business Asset Expenses</i></b>	14,222	14,222	14,222
<b>Line 10c</b>	<b><i>Personal Asset Expenses</i></b>			
<b>Line 10d</b>	<b><i>Investment Expenses</i></b>			
<b>Line 10e</b>	<b><i>Third-Party Litigation Expenses</i></b>			
	1. Attorney Fees			
	2. Litigation Expenses			
	<b><i>Total Third-Party Litigation Expenses</i></b>			
<b>Line 10f</b>	<b><i>Tax Administrator Fees and Bonds</i></b>			
<b>Line 10g</b>	<b><i>Federal and State Tax Payments</i></b>			
	<b>Total Disbursements for Receivership Operations</b>	14,222	14,222	14,222
<b>Line 11</b>	<b>Disbursements for Distribution Expenses Paid by the Fund:</b>			
<b>Line 11a</b>	<b><i>Distribution Plan Development Expenses:</i></b>			
	1. Fees:			
	Fund Administrator.....			
	Independent Distribution Consultant (IDC).....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<b><i>Total Plan Development Expenses</i></b>			
<b>Line 11b</b>	<b><i>Distribution Plan Implementation Expenses:</i></b>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. Federal Account for Investor Restitution (FAIR)			
	Reporting Expenses			
	<b><i>Total Plan Implementation Expenses</i></b>			
	<b>Total Disbursements for Distribution Expenses Paid by the Fund</b>			
<b>Line 12</b>	<b>Disbursements to Court/Other:</b>			
<b>Line 12a</b>	<b><i>Investment Expenses/Court Registry Investment System (CRIS) Fees</i></b>			
<b>Line 12b</b>	<b><i>Federal Tax Payments</i></b>			
	<b>Total Disbursements to Court/Other:</b>			

**STANDARDIZED FUND ACCOUNTING REPORT for McGinn, Smith Co. Co. Et. Al. - Cash Basis**  
 Receivership; Civil Court Docket No. 10-CV-457(GLS/CFH)  
 Reporting Period 10  
 10/1/24 to 12/31/24

<b>Line 13</b>	<b>Total Funds Disbursed (Lines 9 – 11):</b>			
	<b>Ending Balance (As of 12/31/2024):</b>			<b>161,727</b>
<b>Line 14</b>	<b>Ending Balance of Fund – Net Assets:</b>			
Line 14a	Cash & Cash Equivalents			
Line 14b	Investments			
Line 14c	Other Assets or Uncleared Funds			
	<b>Total Ending Balance of Fund – Net Assets</b>			<b>\$ 161,727</b>

<b>OTHER SUPPLEMENTAL INFORMATION:</b>				
		<b>Detail</b>	<b>Subtotal</b>	<b>Grand Total</b>
<b>Line 15</b>	<b>Report of Items NOT To Be Paid by the Fund:</b>			
	<b>Disbursements for Plan Administration Expenses Not Paid by the Fund:</b>			
Line 15a	<i>Plan Development Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Miscellaneous			
	<i>Total Plan Development Expenses Not Paid by the Fund</i>			
Line 15b	<i>Plan Implementation Expenses Not Paid by the Fund:</i>			
	1. Fees:			
	Fund Administrator.....			
	IDC.....			
	Distribution Agent.....			
	Consultants.....			
	Legal Advisers.....			
	Tax Advisers.....			
	2. Administrative Expenses			
	3. Investor Identification:			
	Notice/Publishing Approved Plan.....			
	Claimant Identification.....			
	Claims Processing.....			
	Web Site Maintenance/Call Center.....			
	4. Fund Administrator Bond			
	5. Miscellaneous			
	6. FAIR Reporting Expenses			
	<i>Total Plan Implementation Expenses Not Paid by the Fund</i>			
Line 15c	<i>Tax Administrator Fees &amp; Bonds Not Paid by the Fund</i>			
	<b>Total Disbursements for Plan Administration Expenses Not Paid by the Fund</b>			
<b>Line 16</b>	<b>Disbursements to Court/Other Not Paid by the Fund:</b>			
Line 16a	Investment Expenses/CRIS Fees			
Line 16b	Federal Tax Payments			
	<b>Total Disbursements to Court/Other Not Paid by the Fund:</b>			
<b>Line 17</b>	<b>DC &amp; State Tax Payments</b>			
<b>Line 18</b>	<b>No. of Claims:</b>			
Line 18a	# of Claims Received This Reporting Period.....			
Line 18b	# of Claims Received Since Inception of Fund.....			2,781
<b>Line 19</b>	<b>No. of Claimants/Investors:</b>			
Line 19a	# of Claimants/Investors Paid This Reporting Period.....			
Line 19b	# of Claimants/Investors Paid Since Inception of Fund.....			7,081

Receiver:

By: \_\_\_\_\_  
 (signature)  
William J. Brown, Receiver  
 (printed name)

Date: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
SECURITIES AND EXCHANGE COMMISSION :

*Plaintiff,* :

vs. :

Case No. 1:10-CV-457  
(AMN/PJE)

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, 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, :

*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.* :

-----X

**ORDER APPROVING FINAL APPLICATION OF  
PHILLIPS LYTLE LLP AND THE RECEIVER FOR ALLOWANCE OF  
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Upon the Final Application of Phillips Lytle LLP (“Phillips Lytle”) and the Receiver (“Receiver”) for Allowance of final Compensation and Reimbursement of Expenses dated March 17, 2025 (“Final Application”) for an order approving the allowance of compensation and reimbursement of expenses; and notice of the Final Application having been

given to the Securities and Exchange Commission and all parties who have filed a Notice of Appearance in this action and 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; and the Court having determined that sufficient cause exists; it is therefore

ORDERED, that the Final Application is approved such that (i) compensation for legal and Receiver services rendered between March 1, 2024 and January 31, 2025 ("Final Period") in the amount of \$90,935.19 is allowed as a final allowance, and (ii) reimbursement of expenses advanced by Phillips Lytle during the Final Period in the amount of \$1,881.82 is allowed as a final disbursement payment; and it is further

ORDERED, that any professional fees and disbursements incurred relating to the final wind-up and closing of this Receivership be paid by submitting a final invoice to the SEC for approval within 30 days of such submission from the net amount to be paid to the SEC pursuant to the Court-approved Plan of Distribution without further Court Order; and it is further

ORDERED, that the Receiver is authorized and directed to pay the amounts as allowed pursuant to this Order.

Dated: \_\_\_\_\_, 2025

\_\_\_\_\_  
HON. PAUL J. EVANGELISTA