UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

DAVID M. WOJESKI, Trustee of David L. and Lynn A. Smith Irrevocable Trust U/A 8/04/04,

NOTICE OF APPEARANCE Civil Case No. 10-CV-457 (GLS/DRH)

Defendant.

COUNSELORS:

PLEASE TAKE NOTICE, that we have been retained by and appear for Thomas J. Urbelis, Esq. in this action and demand that a copy of all notices and other papers therein be served on us at our offices, 20 Corporate Woods Boulevard, Albany, New York, 12211-2362.

DATED: February 7, 2011

CARTER, CONBOY, CASE, BLACKMORE, MALONEY & LAIRD, P.C.

MICHAEL J. MURPHY

Bar Roll No.: 102244

Attorneys for Thomas J. Urbelis, Esq.

Office and P.O. Address

20 Corporate Woods Boulevard

Albany, NY 12211-2362

Phone: (518) 465-3484

E-Mail: mmurphy@carterconboy.com

TO: DAVID P. STOELTING, ESQ.
Attorney for Plaintiff
U.S. Securities & Exchange Commission
3 World Financial Center, Room 400
New York, NY 10281

TO: JILL A. DUNN, ESQ.
Attorney for Defendant Trust
99 Pine Street, Suite 210
Albany, NY 12207

ISEMAN, CUNNINGHAM, RIESTER & HYDE, LLP Robert H. Iseman, Esq. Attorney for Defendant Trust 9 Thurlow Terrace Albany, NY 12203