

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

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

McGINN, SMITH & CO., INC., et al.,

Defendants.

ORDER

By letter dated August 28, 2013 counsel for all parties requested a teleconference to seek permission to file a variety of motions. Dkt. No. 587. By text order dated August 29, 2013, a teleconference was scheduled for September 3, 2013. Dkt. No. 588. On September 3, 2013, that on-the-record conference was conducted with counsel for all parties and the receiver. As directed during that conference and for the reasons stated at that time, which are incorporated herein by reference, it is hereby:

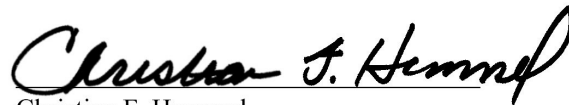
ORDERED that:

1. The stay which was entered on the dispositive motions and trial pending completion of the criminal matters (Dkt. No. 474) is hereby **LIFTED**.
2. Counsel for defendants and relief defendants seeking permission to file motions
 - A. Applying for a modification of the asset freeze to provide:
 - i. Relief defendant Lynn A. Smith with living expenses; and
 - ii. Relief defendants Lynn A. Smith and the Irrevocable Trust with funds for the payment of counsel and court fees;
 - B. Moving for relief from the asset freeze for the relief defendants; and

- C. Releasing funds for payment of a complete copy of the trial transcript from the criminal proceedings;
- is **GRANTED**. Defendants shall file their motions by October 18, 2013. Plaintiff Securities and Exchange Commission's ("SEC") response shall be filed on or before November 12, 2013. Defendants shall file any replies by November 19, 2013.
3. Plaintiff's right to seek a briefing schedule for filing a dispositive motion is reserved until the SEC is informed of when it can expect a copy of the transcript from the criminal proceedings.

IT IS SO ORDERED.

Dated: September 3, 2013
Albany, NY



Christian F. Hummel
U.S. Magistrate Judge