

FINANCIAL DISCLOSURE REPORT

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) McCarthy, Jeremiah J.	2. Court or Organization United States District Court	3. Date of Report 10/11/2012
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) Magistrate Judge - Full-Time	5a. Report Type (check appropriate type) ☐ Nomination ☐ Date ☐ Initial ☐ Annual ☐ Final 5b. ☒ Amended Report	6. Reporting Period 01/01/2011 to 12/31/2011
7. Chambers or Office Address 2 Niagara Square Room 640 Buffalo, New York 14202		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Insert signature on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

	<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	Trustee	Timothy V. Riordan Supplemental Needs Trust
2.	Director	Hilbert College
3.		
4.		
5.		

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

	<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.		
2.		
3.		

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III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**NONE *(No reportable non-investment income.)*DATESOURCE AND TYPEINCOME
(yours, not spouse's)

1. _____

2. _____

3. _____

4. _____

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*NONE *(No reportable non-investment income.)*DATESOURCE AND TYPE

1. _____

2. _____

3. _____

4. _____

IV. REIMBURSEMENTS *— transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*NONE *(No reportable reimbursements.)*SOURCEDATESLOCATIONPURPOSEITEMS PAID OR PROVIDED

1. _____

2. _____

3. _____

4. _____

5. _____

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.		
2.		
3.		
4.		
5.		

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.		
2.		
3.		
4.		
5.		

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VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. HSBC Bank, N.A., Checking Account	A	Interest	J	T					
2. HSBC Bank, N.A., Savings Account	A	Interest	K	T					
3. HSBC Bank, N.A., Supp. Needs Trust Acct	A	Interest	K	T					
4. M&T Bank Savings Account	A	Interest	K	T					
5. Franklin NY Intermediate - Term Tax Fee Income Fund Class A	A	Dividend	J	T					
6. Columbian Mutual Life Ins. Co.	A	Interest	K	T					
7. Rydex SGI Mgd. Futures H	A	Dividend			Sold	04/05/11	J	A	
8. Baron Small Cap		None			Sold	04/05/11	K	C	
9. Bond Fund of America	A	Dividend			Sold	04/05/11	K	B	
10. Capital World Growth Income	A	Dividend			Sold	04/05/11	L	A	
11. Fundamental Investors	A	Dividend			Sold	04/05/11	L	B	
12. Heartland Value Fund		None			Sold	04/05/11	K	C	
13. I Shares - Tr. Russell MidCap Value Index Fund	A	Dividend			Sold	04/05/11	K	A	
14. Loomis Sayles II Strategic Income	A	Dividend			Sold	04/05/11	K	D	
15. Loomis Sayles Grade Bond Fund	B	Dividend			Sold	04/05/11	K	D	
16. Highland Floating Rate A		None			Sold	07/14/11	K	A	
17. Mutual Series Discovery Fund		None			Sold	04/05/11	L	C	

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 I = More than \$5,000,000	E = \$15,001 - \$50,000 J = \$50,001 - \$100,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$250,000.01 - \$500,000.00	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code I (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)

18. Pioneer Cullen Value		None			Sold	04/05/11	L	A	
19. Thornburg Invt Tr Core Growth Fund		None			Sold	04/05/11	K	D	
20. UBS AG Jersey BRH		None			Sold	04/05/11	K	B	
21. Vanguard Infl - Protected Sec.	A	Dividend			Sold	04/05/11	L	D	
22. Prime Funds - Capital Reserves	A	Dividend			Sold	04/05/11	J	A	
23. American Funds Growth F1		None			Sold	04/05/11	L	B	
24. Fundamental Investors A (American Fund)	A	Int./Div.	J	T					
25. AQR Managed Futures Fund	A	Dividend	L	T	Buy	04/05/11	L		
26. Blackrock Equity Dividend	B	Dividend	K	T	Buy	04/05/11	K		
27. Dodge & Cox Income	B	Dividend	L	T	Buy	04/05/11	L		
28. Fidelity Cash Reserves	A	Dividend	J	T	Buy	04/05/11	J		
29. Highland Floating Rate Opp	A	Dividend			Sold	07/14/11	K		
30. Ing Mid Cap Opportunity	B	Dividend	L	T	Buy	07/14/11	L		
31. John Hancock Discipl. Value Mid Cap	A	Dividend	L	T	Buy	12/20/11	L		
32. Mainstay Large Cap Growth	B	Dividend	J	T	Buy	04/06/11	J		
33. Managers Bond	A	Dividend	J	T	Buy	04/06/11	J		
34. Oppenheimer Dev Markets	B	Dividend	L	T	Buy	04/08/11	L		

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2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
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35. Oppenheimer Intl Bond FD	B	Dividend	K	T	Buy	04/05/11	K		
36. RS Global Natural Resources	A	Dividend	K	T	Buy	04/05/11	K		
37. Templeton Frontier Market	A	Dividend	K	T	Buy	07/14/11	K		
38. Thornburg Intl Value	A	Dividend	L	T	Buy	04/05/11	L		
39. Vanguard GNMA Investor	A	Dividend	K	T	Buy	07/14/11	K		
40. Wells Fargo High Income	B	Dividend	K	T	Buy	04/05/11	K		
41. Royce 100	A	Dividend			Buy	04/05/11	J		
42. Royce 100	A	Dividend			Sold	07/14/11	J	A	
43. Heartland Value	A	Dividend			Buy	04/05/11	K		
44. Heartland Value	A	Dividend			Sold	07/14/11	J	A	
45. Munder MidCap Core C	A	Dividend			Buy	04/05/11	L		
46. Munder MidCap Core C	A	Dividend			Sold	07/14/11	L	A	
47. Ridgeworth MidCap Val. Eq.	A	Dividend			Buy	04/05/11	L		
48. Ridgeworth MidCap Val. Eq.	A	Dividend			Sold	12/13/11	L	A	
49. Perkins MidCap Value	A	Dividend			Buy	12/14/11	L		
50. Perkins MidCap Value	A	Dividend			Sold	12/19/11	L	A	

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

Part VII, item 4: Last year's entry referred to a mortgage escrow account. The mortgage was paid off during 2011, and the account was closed. However, the entry now refers to an account on which [REDACTED] was co-signator with [REDACTED] (the funds in the account belonged to [REDACTED]). Upon [REDACTED] death in 2011, the account passed to [REDACTED].

Part VII, lines 22 and 28: In response to Judge McKinley's September 11, 2012 letter requesting clarification as to the new entry for "Fidelity Cash Reserves" (Part VII, line 28), my financial advisor states that this is a money market fund which is used to fund new investments, and it replaces the old account entitled "Prime Funds - Capital Reserves" (Part VII, line 22).

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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ Jeremiah J. McCarthy**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
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Washington, D.C. 20544