

Conclusion

The SEC respectfully requests that the Court enter an order precluding Cuban from taking the depositions he seeks of Commission attorneys in connection with his motion for attorneys' fees and costs.

Dated: April 19, 2010

Respectfully submitted,

**SECURITIES AND EXCHANGE
COMMISSION**

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CERTIFICATE OF CONFERENCE

I certify that on April 16, 2010, counsel for the Securities and Exchange Commission (“SEC”) spoke via telephone with counsel for Mark Cuban (“Cuban”) concerning the Commission’s motion for protective order. The parties conferred in good faith, but were unable to resolve the issue raises by the Commission’s motion.

/s/Thomas J. Karr

Thomas J. Karr

CERTIFICATE OF SERVICE

On April 19, 2010, I electronically submitted the SEC’s Motion for Protective Order with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/Thomas J. Karr

Thomas J. Karr