



3. The SEC has not yet responded to Mr. Cuban's document requests or interrogatories. Despite the SEC's diligent efforts, it needs additional time to ensure that it has thoroughly searched for information responsive to Mr. Cuban's discovery requests.

4. The SEC served document requests and interrogatories upon Mr. Cuban on December 24, 2009, to which Mr. Cuban has not yet responded.

5. The parties submit that their proposed extensions (as set forth below) of the schedule set by the Court, will neither unnecessarily prolong these proceedings nor prejudice either party.

6. The parties therefore agree, and hereby jointly move, that the Court extend the discovery deadlines relating to Mr. Cuban's motion for attorneys' fees and expenses as follows:

- a. Both parties shall fully respond to each other's document requests and interrogatories by February 16, 2010.
- b. The taking of depositions shall commence by February 22, 2010 or as soon thereafter as practicable.
- c. Any motion to compel shall be filed by March 1, 2010, with any opposition and reply briefs due in accordance with LR 7.1.
- d. If no motion to compel is filed, all discovery shall be concluded by March 9, 2010.
- e. If a motion to compel is filed, all depositions shall be concluded within 14 days after the Court's ruling on such motion (or, if the Court grants the motion and orders the production of documents that were the subject of the motion, depositions shall conclude within 14 days of such production).<sup>1</sup>

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<sup>1</sup> If a motion to compel is filed, any deposition that involves any documents that are the subject of the motion will be postponed until the Court has ruled on the motion.


- f. In accordance with the original schedule set by the Court in its December 4, 2009 Opinion and Order, Mr. Cuban's supplemental brief and evidence appendix shall be due within 21 days of the completion of all discovery, the SEC's supplemental brief and evidence appendix, if any, shall be filed within 21 days of the filing of Mr. Cuban's supplemental brief and evidence appendix, and Mr. Cuban's supplemental reply brief shall be filed within 14 days of the filing of the SEC's supplemental brief and evidence appendix, if any.

Dated: January 22, 2010

Respectfully submitted,

**SECURITIES AND EXCHANGE  
COMMISSION**

By:

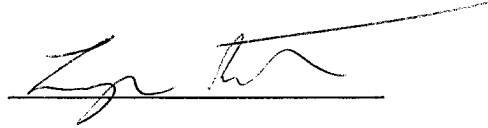
  
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- d. If no motion to compel is filed, all discovery shall be concluded by March 9, 2010.
- e. If a motion to compel is filed, all depositions shall be concluded within 14 days after the Court's ruling on such motion (or, if the Court grants the motion and orders the production of documents that were the subject of the motion, depositions shall conclude within 14 days of such production).<sup>1</sup>
- f. In accordance with the original schedule set by the Court in its December 4, 2009 Opinion and Order, Mr. Cuban's supplemental brief and evidence appendix shall be due within 21 days of the completion of all discovery, the SEC's supplemental brief and evidence appendix, if any, shall be filed within 21 days of the filing of Mr. Cuban's supplemental brief and evidence appendix, and Mr. Cuban's supplemental reply brief shall be filed within 14 days of the filing of the SEC's supplemental brief and evidence appendix, if any.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE

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