

# Exhibit 15

**CUBAN v. U.S. SECURITIES AND EXCHANGE COMMISSION**  
**C.A. No. 09-00996-RBW (D.D.C.)**

**SECOND REVISED VAUGHN INDEX**  
**November 5, 2010**

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
1	Withheld in full. Internal confidential email chain among two SEC managers, a SEC Human Resources (HR) manager and a HR senior staff person sending and commenting on a report on discipline taken against an employee, including discussion of deliberations that led to the discipline. Also contains the names of the SEC employee at issue and the SEC supervisor and HR employees deciding that discipline.	1/28/2008	2	Ex. 5 (DP) & 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline. This email also contains in part pre-decisional internal deliberations (DP) taken by SEC management and its HR staff on a personnel matter. Release of these deliberations would chill the deliberative process of agency decision makers.
2	Withheld in full. Internal confidential email chain between an SEC HR senior staff person and an HR manager providing a report on discipline taken against an employee, including discussion of deliberations that led to the discipline. Also contains the names of the SEC employee at issue and the SEC supervisor and HR employees deciding that discipline.	1/28/2008	1	Ex. 5 (DP) & 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline. This email also contains in part pre-decisional internal deliberations (DP) taken by SEC management and its HR staff on a personnel matter. Release of these deliberations would chill the deliberative process of agency decision makers.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
3	Withheld in full. Internal confidential email from an HR Staff person to an HR Manager providing a report on discipline taken against an employee, including discussion of deliberations that led to the discipline. Attaches the confidential memorandum to the employee from the employee's supervisor on the proposed discipline and the final decision explaining the reasons for taking the discipline against that employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	1/28/2008	7	Ex. 5(DP) & 6	This email and its attachments were withheld in their entirety to protect personal privacy interests of an employee subject to discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline. The email (not the attachments) also contains in part pre-decisional internal deliberations (DP) taken by SEC management and its HR staff on a personnel matter. Release of these deliberations would chill the deliberative process of agency decision makers.
4	Withheld in part. Internal confidential email from an HR staff person to an HR manager containing an internal HR confidential case status report for pending internal personnel matters. The status report includes the employees' names, offices, nature of the personnel issue, current status and the names of the HR staff involved. Only one personnel matter is responsive to the FOIA request at issue, and the remainder have consequently not been produced. The names of the OHR staff and the name and office of the disciplined employee have been redacted from the responsive portion.	9/18/2007	1	Ex. 6	The identifying information in this email was withheld to protect the personal privacy interests of the employee and the SEC managers and staff involved in deciding that personnel matter.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
5	Withheld in full. Internal confidential email from an HR manager to an HR staff person providing an employee's performance rating. Also contains the names of the SEC employee at issue and the HR employees.	8/15/2007	1	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
6	Withheld in full. Internal confidential email from an HR staff person to an HR manager providing an employee's performance rating. Also contains the names of the SEC employee at issue and the HR employees.	8/14/2007	1	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
7	Withheld in full. Confidential email from an employee to supervisors regarding the schedule for the employee's response to proposed discipline against the employee, including family medical information; initial email was forwarded to an HR staff person, and emails between a supervisor and the HR staff person discuss employee's options for making a reply. Also contains the names of the SEC employee at issue, the SEC supervisors, and HR employees.	6/2/2009 to 6/4/2009	1	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying and medical information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
8	Withheld in full. Confidential email from an employee to supervisors regarding the schedule for the employee's response to proposed discipline against the employee, including family medical information; initial email was forwarded to an HR staff person. Also contains the names of the SEC employee at issue, the SEC supervisors, and HR employees.	6/2/2009 - 6/4/2009	1	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying and medical information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
9	Withheld in full. Internal email chain from 8-27-2007 among SEC employee, SEC staff person and SEC supervisor about leave request by an employee; 2007 email chain forwarded from Office of Inspector General (OIG) staff to HR staff in 4-2009; in 6-2009, OIG staff replied to HR staff to ask about status of discipline considerations. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	8/27/2007, 4/1/2009 & 6/3/2009	3	Ex. 6 & 7C	This email was withheld in its entirety to protect personal privacy interests of an employee subject to discipline and an OIG investigation and of SEC staff involved in deciding on the discipline and involved with an OIG investigation. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
10	Withheld in part. Internal email chain between an HR staff person and an Office of General Counsel (OGC) attorney. The names and identifying information of the HR and OGC staff, the name of an employee, and a personal cell phone number have been redacted.	5/21/2009	4	Ex. 6	The identifying information in this email was withheld to protect the personal privacy interests of the employee and the SEC managers and staff involved in deciding that personnel matter.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
11	Withheld in full. Internal confidential email from an HR staff person to an OGC attorney, in the course of an ongoing collaboration, transmitting for OGC review and legal advice a draft of a memorandum proposing discipline of an employee; attached to the email is an 87 page draft memorandum (including exhibits) proposing employee discipline and reflecting predecisional deliberations. Also contains the names of the SEC employee at issue, the SEC supervisors, HR employees deciding that discipline, and OGC counsel involved in the disciplinary process.	5/19/2009	88	Ex. 5 (WP,DP, AC) & 6	This email seeks legal advice from OGC counsel on handling a proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email, including attachments, contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email, including attachments, was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
12	Withheld in full. Internal email from an SEC employee to two SEC supervisors re: the employee's concerns about various issues related to his assignments; SEC supervisor forwarded information to HR staff person handling potential discipline of employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees.	5/18/2009	1	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

**CUBAN v. U.S. SECURITIES AND EXCHANGE COMMISSION**  
**C.A. No. 09-00996-RBW (D.D.C.)**

**SECOND REVISED VAUGHN INDEX**  
**November 5, 2010**

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
13	Withheld in full. Internal email chain including emails in Document 12 and a later exchange between HR staff and two SEC supervisors containing deliberations about the handling of proposed discipline of an SEC employee, including a description of an HR staff person's telephone discussion with OGC staff attorney which reflects legal advice received from OGC. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	5/18/2009	1	Ex. 5 (WP, DP, AC) & 6	Part of this email reflects a request for legal advice from OGC counsel on handling a proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). Portions of this email (excluding the portion from the employee) also contain pre-decisional internal deliberations (DP) on how to handle proposed discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
14	Withheld in full. Internal confidential email between an HR staff person and an SEC supervisor containing deliberations about the handling of an employee's proposed discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline. This email comes from an archive file and includes only part of an email chain.	4/7/2009	1	Ex. 5 (DP) & 6	This email contains in its entirety pre-decisional internal deliberations (DP) on how to handle proposed discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to potential discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)

Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
15	Withheld in full. Internal confidential email chain between an HR staff person and two SEC supervisors RE: information needed for proposed discipline of an SEC employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	4/6/2009 - 4/7/2009	1	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
16	Withheld in full. Email chain from 8-27-2007 among SEC employee, SEC staff person and SEC supervisor about leave request by an employee; 2007 email chain forwarded from Office of Inspector General (OIG) staff to HR staff in 4-2009. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	8/27/2007 & 4/1/2009	2	Ex. 6 & 7C	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and an OIG investigation and of SEC staff involved in deciding on the discipline and involved with an OIG investigation. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
17	Withheld in full. Email chain from 8-27-2007 among SEC employee, SEC staff person and SEC supervisor about leave request by an employee; 2007 email chain attached to an email from OIG staff to HR staff in 4-2009. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	8/27/2009 & 4/1/2009	3	Ex. 6 & 7C	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and an OIG investigation and of SEC staff involved in deciding on the discipline and involved with an OIG investigation. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)

Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications



Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
18	Withheld in full. Internal confidential email to an HR staff person from an SEC supervisor RE: information needed for proposed discipline of an SEC employee and referring to OIG investigation. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that issue.	3/31/2009	1	Ex. 6 & 7C	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline and involved with an OIG investigation. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
19	Withheld in full. Internal confidential email between an HR staff person and an SEC supervisor RE: information needed for proposed discipline of an SEC employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	3/30/2009	8	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline and involved with an OIG investigation. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
20	Withheld in part. Internal email between two HR staff persons. One HR staff person is leaving the SEC and providing a list of emails to the other HR staffer on a pending personnel matter. The names of SEC employee subject to potential discipline, the names of HR staff and SEC supervisors deciding that discipline, and information about levels of discipline contemplated redacted. Non-responsive portions of the email were also redacted.	3/12/2009	3	Ex. 6	The redacted information was withheld to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
21	Withheld in part. Internal email between two HR staff persons. One HR staff person is leaving the SEC and providing emails to the other HR staffer on a pending personnel matter. The emails provided are listed in other entries on this index. The names of SEC employee subject to potential discipline, the names of HR staff and SEC supervisors deciding that discipline, and information about levels of discipline contemplated redacted.	3/12/2009	1	Ex. 6	The redacted information was withheld to protect personal privacy interests of employees subject to potential disciplines and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
22	Withheld in full. Internal email between two HR staff persons and a SEC supervisor reflecting predecisional deliberations regarding the status, processing and handling of potential employee discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	3/6/2009 & 3/11/2009	1	Ex. 5 (DP) & 6	This email contains in its entirety pre-decisional internal deliberations (DP) on handling proposed discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
23	Withheld in part. Internal email from an OGC attorney to an HR staff person requesting a teleconference. The names HR staff and OGC attorney redacted.	2/17/2009	1	Ex. 6	The identifying information in this email was withheld to protect the personal privacy interests of the SEC staff involved in handling potential discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
24	Withheld in part. Scheduling information for a teleconference. The names HR staff and OGC attorney redacted.	2/18/2009	1	Ex. 6	The identifying information in this email was withheld to protect the personal privacy interests of the SEC staff involved in handling potential discipline.
25	Withheld in full. Internal confidential email chain between an HR staff person and an OGC attorney reflecting predecisional deliberations. HR staff is seeking legal advice and OGC review of draft memo on proposed employee discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/12/2009	1	Ex. 5 (WP, DP, AC) & 6	This email seeks legal advice from OGC counsel on handling a proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email, including attachments, contains in its entirety predecisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
26	Withheld in full. Internal confidential email from HR staff person to an OGC attorney reflecting predecisional deliberations. HR staff is seeking legal advice and OGC review of draft memo on proposed employee discipline. Attaches draft memo. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/12/2009	7	Ex. 5(WP, DP, AC) & 6	This email (including its attachment) seeks legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email, including its attachment, contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
27	Withheld in full. Internal confidential email between HR staff person and SEC supervisor reflecting predecisional deliberations. HR staff is seeking additional information from SEC supervisor and discussing need to seek OGC review of and legal advice on draft memorandum proposing employee discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/4/2009	1	Ex. 5(WP, DP) & 6	At the time of this email, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email contains in its entirety pre-decisional internal deliberations (DP) on handling proposed discipline and the basis for that discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
28	Withheld in full. Internal confidential email from HR staff person to SEC supervisor reflecting predecisional deliberations. Document 55 shows that this email was sent pursuant to the advice of counsel. HR staff is seeking additional information related to proposed discipline of employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/4/2009	1	Ex. 5 (WP, DP) & 6	At the time of this email, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email contains in its entirety pre-decisional internal deliberations (DP) on handling proposed discipline and the basis for that discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
29	Withheld in part. Internal confidential email from an HR staff person to an SEC supervisor reflecting predecisional deliberations. HR staffer is providing information about possible bases for discipline and discusses need to consult with OGC attorney. Attaches internal personnel procedures that are being produced. Also attaches email that is potential basis for discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/4/2009 (cover email), 9/9/1991 (procedures), 9/11/2008 (attached email)	61	Ex. 5 (WP, DP) & 6	At the time of this email, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). The cover email contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. The cover email and the email attachment were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
30	Withheld in full. Memorandum to SEC employee from the employee's supervisor proposing discipline of the employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	5/22/2009	75	Ex. 6	This memorandum was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
31	Withheld in full. Internal email from HR staff to OGC attorney attaching Document 30. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	6/4/2009	76	Ex. 5 (WP) & 6	The cover email was sent in connection with anticipated litigation in the personnel matter, and litigation is now pending (WP). The email and the attached memorandum were withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
32	Withheld in full. Handwritten notes of HR staff person of conference with SEC supervisor RE: predecisional deliberations on types of potential discipline to recommend against an employee. The notes refer to legal advice sought on handling the same matter. Also contains the names of the SEC supervisors and HR employees deciding that discipline.	2/2/2009	1	Ex. 5 (WP, DP) & 6	At the time these notes were taken, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). The notes contain in their entirety pre-decisional internal deliberations (DP) on what discipline to propose. Release of these deliberations would chill the deliberative process of agency decision makers. The notes were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
33	Withheld in full. Handwritten notes of a HR staff person of conferences with SEC supervisor and with HR supervisor RE: predecisional deliberations on handling of potential discipline of employee. The notes refer to information received from OGC attorney. Also contains the names of the SEC supervisors and HR employees deciding that discipline.	2/3/2009	1	Ex. 5 (WP, DP) & 6	At the time these notes were taken, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). The notes contain in their entirety pre-decisional internal deliberations (DP) on how to handle the potential discipline. Release of these deliberations would chill the deliberative process of agency decision makers. The notes were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
34	Withheld in full. Handwritten notes of HR staff person of conferences with SEC supervisor and with OGC attorney RE: communications related to potential employee discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	1/28-30/09	1	Ex. 5 (WP, DP) & 6	At the time these notes were taken, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). These notes contain in their entirety pre-decisional internal deliberations (DP) on how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. The notes were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
35	Withheld in full. Handwritten notes of HR staff person of telephone conference with HR supervisor and OGC attorney RE: predecisional deliberations on potential discipline of employee and on what steps to follow and issues to consider in making a decision. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	1/27/2009	1	Ex. 5(WP, DP, AC) & 6	These notes reflect legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). These notes contain in their entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications



Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
36	Withheld in full. Internal confidential email from HR supervisor to HR staff person re: attaching an email received from OGC counsel that is potential basis for discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/3/2009 & 9/11/2008	2	Ex. 5 (WP) & 6	At the time of the transmittal email, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). Both emails were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
37	Withheld in full. Internal email chain among HR staff, HR supervisor, and SEC supervisor RE: predecisional deliberations on the content of a memorandum proposing discipline of an employee. The email chain is forwarded to an OGC attorney for legal advice on the matter. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	1/13/2009 & 1/26/2009	2	Ex. 5 (WP, DP, AC) & 6	This email seeks legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
38	Withheld in full. Handwritten notes of HR staff person of conference with a SEC supervisor RE: predecisional deliberations on the content of a memorandum proposing discipline of an employee. Also contains the names of the SEC supervisors and HR employees deciding that discipline.	1/13/2009	1	Ex. 5 (DP) & 6	These notes contain in their entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
39	Withheld in full. Internal confidential emails from an HR staff person to an SEC supervisor and an OGC attorney, in the course of an ongoing collaboration, transmitting for review a draft of a memorandum proposing discipline of an employee and raising issues that need to be addressed; attached to the email is a 26 page draft memorandum (including exhibits) proposing employee discipline and reflecting predecisional deliberations. Also contains the names of the SEC employee at issue, the SEC supervisors, HR employees deciding that discipline, and OGC counsel involved in the disciplinary process.	1/9/2009	27	Ex. 5 (WP, DP, AC) & 6	This email seeks legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email, including attachments, contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email, including attachments, was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)

Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
40	Withheld in full. Handwritten notes of HR staff person of conference with a SEC supervisor RE: predecisional deliberations on steps to follow and issues to consider in making a decision on potential employee discipline. Also contains the names the SEC supervisors and HR employees deciding that discipline.	12/4/2008	1	Ex. 5 (DP) & 6	These notes contain in their entirety pre-decisional internal deliberations (DP) on what discipline to impose and process for proposing any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
41	Withheld in full. Handwritten notes of HR staff person of conference with OGC attorney RE: predecisional deliberations on potential discipline of employee. The notes contain legal advice on that matter. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	11/10/2008	1	Ex. 5 (WP, DP, AC) & 6	These notes reflect legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). These notes contain in their entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. These notes were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
42	Withheld in full. Email from SEC supervisor to HR supervisor seeking advice on how to handle attorney misconduct; forwarded by HR supervisor to HR staff who forwards it to OGC attorney along with a request for review by an attorney and deliberations regarding what discipline may be appropriate and why. Email to OGC attorney attaches draft memorandum proposing discipline and emails evidencing possible employee misconduct. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/30/2008 - 11/6/2008	13	Ex. 5 (WP, DP, AC) & 6	This email seeks legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email, including attachments, contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email, including attachments, was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
43	Withheld in full. Handwritten notes of HR staff person of conferences with OGC attorney and SEC supervisor RE: predecisional deliberations on potential discipline of employee. The notes contain OGC attorney's legal advice. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	11/6/2008	1	Ex. 5(WP, DP, AC) & 6	These notes reflect legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). These notes contain in their entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. These notes were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
44	Withheld in full. Handwritten notes of an HR staff person of conferences with SEC supervisors RE: predecisional deliberations on potential discipline of employee. Also contains recommendation to seek OGC legal advice on the matter. Also contains the names of the SEC supervisors and HR employees deciding that discipline.	11/5/2008	1	Ex. 5 (WP, DP, AC) & 6	These notes reflect legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). These notes contain in their entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. These notes were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
45	Withheld in full. Draft of memorandum to SEC employee from SEC supervisor reflecting predecisional deliberations and recommending discipline of employee. Includes handwritten comment by HR staff person. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	Oct-08	4	Ex. 5 (DP) & 6	This draft memorandum reflects in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This memorandum was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
46	Withheld in full. Internal confidential email from HR staff person to SEC supervisors RE: predecisional deliberations on levels of potential discipline of an employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	11/3/2008	1	Ex. 5 (DP) & 6	This email contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
47	Withheld in full. Computer screen printout from an HR database of employee discipline regarding an employee's history of disciplinary actions. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	9/4/2007	2	Ex. 6	This document was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
48	Withheld in full. Handwritten notes of HR staff person of conference with SEC supervisors RE: predecisional deliberations on potential discipline of employee. Also attached are two pages of an office directory identifying SEC supervisors and employees in office of employee at issue. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/30/2008	3	Ex. 5(DP) & 6	The handwritten notes contain in their entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. The notes and the directory were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
49	Withheld in full. Internal confidential email from SEC supervisor to HR staff person forwarding email from SEC employee to SEC supervisors and employees about an SEC enforcement action evidencing possible employee misconduct. The email also contains notes by the HR staff person commenting on the email and potential discipline and reflecting predecisional deliberations. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/19/2008 and 10/30/2008	2	Ex. 5 (WP, DP) & 6	The notes of the HR staff person contain in their entirety pre-decisional internal deliberations (DP) on whether to impose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. The email regarding the enforcement action is also protected work product regarding that enforcement action (WP). This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications



Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
50	Withheld in full. Internal confidential email from SEC supervisor to HR staff person forwarding email chain from an SEC enforcement action evidencing possible employee misconduct. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/23/2008 & 10/30/2008	2	Ex. 3, 5 (WP) & 6	The forwarded email is protected by 31 U.S.C. §5319, a statute that prohibits the release of certain information under the FOIA. It is also SEC work product in an SEC enforcement action (WP). This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
51	Withheld in full. Internal confidential email from SEC supervisor to HR staff person forwarding email chain from an SEC enforcement action evidencing possible employee misconduct. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/23/2008 & 10/30/2008	2	Ex. 3, 5 (WP) & 6	The forwarded email is protected by 31 U.S.C. §5319, a statute that prohibits the release of certain information under the FOIA. It is also SEC work product in an SEC enforcement action (WP). This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
52	Withheld in full. Handwritten notes of HR staff person of two conferences with a SEC supervisor reflecting predecisional deliberations as to whether employee was engaging in improper conduct. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	7/2-3/08	1	Ex. 5 (DP) & 6	The notes of the HR staff person contain in their entirety pre-decisional internal deliberations (DP) on whether to impose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. These notes were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
53	Withheld in full. Handwritten notes of HR staff person of consultation with OGC attorney RE: predecisional deliberations on how to implement procedures for imposing discipline. Also contains the names of the SEC supervisors and HR employees deciding that discipline.	2/4/2009	1	Ex. 5 (WP, DP, AC) & 6	These notes reflect legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). These notes contain in their entirety pre-decisional internal deliberations (DP) on how to propose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. These notes were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
54	Withheld in full. Internal email to an SEC supervisor from an HR staff person re: predecisional deliberations on potential discipline of employee. Document 55 shows that this email was sent pursuant to the advice of counsel. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/4/2009	1	Ex. 5 (WP, DP) & 6	At the time of this email, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email contains in its entirety pre-decisional internal deliberations (DP) on the basis for imposing potential discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
55	Withheld in full. One page of handwritten notes of a HR staff person of conference with OGC attorney RE: predecisional deliberations on how to impose discipline on an employee, including legal advice from OGC. One page of handwritten notes of a HR staff person with SEC supervisors re: predecisional deliberations on how to impose potential discipline on the same employee, including a note on seeking OGC advice. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/4/2009	2	Ex. 5 (WP, DP, AC) & 6	The first page of notes reflects legal advice from OGC counsel on handling proposed employee discipline (AC). Both pages reflect attorney work product. At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). These notes contain in their entirety pre-decisional internal deliberations (DP) on how to propose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. These notes were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)

Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
56	Withheld in full. Internal confidential email chain between HR staff, HR manager and SEC supervisor RE: predecisional deliberations on procedures for drafting a memorandum proposing discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	3/6/2009 & 3/11/2009	1	Ex. 5 (DP) & 6	This email contains in its entirety pre-decisional internal deliberations (DP) on how to propose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
57	Withheld in full. Internal confidential email between HR staff and OGC attorney containing predecisional deliberations and seeking legal advice on memorandum proposing discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/12/2009	1	Ex. 5 (WP, DP, AC) & 6	This email seeks legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email, including attachments, contains in its entirety pre-decisional internal deliberations (DP) on how to propose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
58	Withheld in part. Internal email confirming a teleconference appointment of HR staff and OGC attorney. Also contains the names of the SEC supervisors and HR employees deciding that discipline.	2/17/2009	1	Ex. 6	The identifying information in this email was withheld to protect the personal privacy interests of SEC staff involved in handling a personnel matter.
59	Withheld in full. Internal email from HR staff person to OGC attorney transmitting a draft memorandum proposing discipline. Both the email and the attached memorandum reflect predecisional deliberations on potential discipline of an employee. Email also seeks legal advice on memorandum. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/12/2009	8	Ex. 5 (WP, DP, AC) & 6	This email and attachment seek legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email, including the attachment, contains in its entirety pre-decisional internal deliberations (DP) on how to propose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email, including the attachment, was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
60	Withheld in full. Internal email chain between a HR staff person and a SEC supervisor RE: predecisional deliberations on potential discipline of employee. Document 55 shows that this email was sent pursuant to the advice of counsel. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/4/2009	2	Ex. 5 (WP, DP)& 6	At the time of this email, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email contains in its entirety pre-decisional internal deliberations (DP) on the basis for imposing potential discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
61	Withheld in part. Internal confidential email from an HR staff person to an SEC supervisor reflecting predecisional deliberations. HR staffer is providing information about possible bases for discipline and discusses need to consult with OGC attorney. Attaches internal personnel procedures that are being produced. Also attaches email that is potential basis for discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/4/2009 (cover email), 9/9/1991 (procedures), 9/11/2008 (attached email)	39	Ex. 5 (WP, DP) & 6	At the time of this email, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). The cover email contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. The cover email and the email attachment were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
62	Withheld in full. Internal confidential email from an HR staff person to an SEC supervisor transmitting for review a draft of a memorandum proposing discipline of an employee and noting OGC attorney has already reviewed the memorandum; attached to the email is a 45 page draft memorandum (including exhibits) proposing employee discipline and reflecting predecisional deliberations. Also contains the names of the SEC employee at issue, the SEC supervisors, HR employees deciding that discipline, and OGC counsel involved in the disciplinary process.	2/3/2009	46	Ex. 5(WP, DP) & 6	At the time of this email, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email, including attachments, contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email, including attachments, was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
63	Withheld in full. Internal email chain among HR staff, HR supervisor, and SEC supervisor RE: predecisional deliberations on the content of a memorandum proposing discipline of an employee. The email chain is forwarded to an OGC attorney for legal advice on the matter. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	1/27/2009	4	Ex. 5 (WP, DP, AC) & 6	This email seeks legal advice from OGC counsel on handling proposed employee discipline (AC). At the time, the SEC anticipated litigation in the personnel matter, and litigation is now pending (WP). This email contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)

Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
64	Withheld in full. Internal confidential email chain between HR staff, HR manager and SEC supervisor RE: predecisional deliberations on procedures for drafting a memorandum proposing discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	3/6/2009 & 3/11/2009	1	Ex. 5 (DP)& 6	This email contains in its entirety pre-decisional internal deliberations (DP) on how to propose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
65	Withheld in full. Internal confidential email from SEC supervisor to HR staff person forwarding email from SEC employee to SEC supervisors and employees about an SEC enforcement action evidencing possible employee misconduct. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/19/2008	2	Ex. 5 (WP) & 6	This is protected work product from an enforcement action (WP). This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
66	Produced in full.	Undated	2		

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications



Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
67	Withheld in full. Internal email chain among SEC employee, SEC staff person and SEC supervisor about leave request by an employee. Email shows possible employee misconduct. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	8/27/2007	2	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline, of SEC staff involved in deciding on the discipline, and of other SEC employees. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
68	Withheld in full. Memo to SEC employee from SEC Supervisor RE: decision on proposed discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	2/1/2006	2	Ex. 6	This memorandum was withheld in its entirety to protect personal privacy interests of an employee subject to discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
69	Withheld in full. Internal confidential email between HR staff person and SEC supervisor RE: predecisional deliberations on handling of proposed discipline of employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	12/11/2006	1	Ex. 5 (DP)& 6	This email contains in its entirety pre-decisional internal deliberations (DP) on the process for imposing discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
70	Withheld in full. Internal email from SEC employee to supervisor and forwarded to HR staff RE: procedures for handling proposed employee discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	11/7/2006	1	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
71	Withheld in full. Internal email from HR staff person to SEC supervisor transmitting draft 4-page memorandum proposing discipline for review and discussing procedures for issuing memorandum. Another version of the draft 4-page memorandum with handwritten notes is also included. Both memoranda reflect predecisional deliberations on potential discipline of employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	11/7/2006	9	Ex. 5 (DP) & 6	The draft memoranda reflect in their entirety pre-decisional internal deliberations (DP) on the potential discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email and memoranda were also withheld in their entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
72	Withheld in full. Emails between SEC supervisor, SEC employee, and state government official RE: case handling and strategy in matter of common interest to state and SEC and emails among SEC supervisors and SEC employee discussing those emails. This was the subject of employee discipline. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/6/2006	5	Ex. 5 (WP), 6 & 7(C)	This email is protected work product regarding an enforcement action (WP). This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline, of SEC staff involved in deciding on the discipline, and of other attorneys involved in the matter. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline. The names of a witness in an enforcement proceeding and of state employees handling a state enforcement matter are also redacted to protect their privacy interests.
73	Withheld in full. Internal email from SEC supervisor to HR staff person transmitting a memorandum reflecting predecisional deliberations on potential discipline of employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/23/2006	4	Ex. 5 (DP) & 6	This email, including attachments, contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email, including attachments, was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
74	Withheld in full. Internal email between SEC supervisors and HR staff person reflecting predecisional deliberations on potential discipline of employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/30/2006	1	Ex. 5(DP) & 6	This email contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline and how to propose any discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
75	Withheld in full. Internal email from an SEC supervisor to an HR staff person with handwritten notes of HR staff on the email of subsequent conference with SEC supervisors. The email and notes reflect predecisional deliberations on potential discipline of an employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/3/2006	1	Ex. 5(DP) & 6	This email and the notes on it contain in their entirety pre-decisional internal deliberations (DP) on whether to impose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

**CUBAN v. U.S. SECURITIES AND EXCHANGE COMMISSION**  
**C.A. No. 09-00996-RBW (D.D.C.)**

**SECOND REVISED VAUGHN INDEX**  
**November 5, 2010**

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
76	Withheld in full. Internal email between SEC supervisor and HR staff person reflecting predecisional deliberations on potential discipline of employee. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	10/10/2006	2	Ex. 5(DP) & 6	This email contains in its entirety pre-decisional internal deliberations (DP) on whether to impose discipline. Release of these deliberations would chill the deliberative process of agency decision makers. This email was also withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
77	Withheld in full. Email chain between SEC employees regarding one employee's views of potential discipline of the other employee. That string was forwarded to an SEC supervisor and then to an HR staff person. Also contains the names of the SEC employee at issue and the SEC supervisors and HR employees deciding that discipline.	6/11/2009 - 6/14/2009	7	Ex. 6	This email was withheld in its entirety to protect personal privacy interests of an employee subject to potential discipline, of another SEC staff person, and of SEC staff involved in deciding on the discipline. Redacting identifying information alone is not sufficient because information already available to plaintiff and/or the public would allow plaintiff and others to identify the employee subject to discipline.
78	Withheld in part. Internal data entry forms assigning case number and staff to Matter Under Investigation (MUI) and internal emails on opening and closing file on sharesleuth.com MFW-3088.	Jun-06	7	Ex. 6 & 7C	Redacted staff names to protect the privacy interests of staff members who were involved in this investigation.
79	Withheld in part. Internal data entry forms assigning case number and staff to MUI and internal emails on opening and closing file on sharesleuth.com MFW-3088.	Jun-06	6	Ex. 6 & 7C	Redacted staff names to protect the privacy interests of staff members who were involved in this investigation.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)

Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption
80	Withheld in part. Internal data entry forms assigning case number and staff to MUI and internal emails on opening and closing file on sharesleuth.com MFW-3104.	8/06 - 9/06	6	Ex. 6 & 7C	Redacted staff names to protect the privacy interests of staff members who were involved in this investigation.

Exemptions are under the Freedom of Information Act (FOIA), 5 U.S.C. 552(b)  
Exemption 5 abbreviations: DP=deliberative process; WP= work product; AC = attorney-client communications