

Exhibit 19

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARK CUBAN,

Plaintiff,

v.

SECURITIES AND EXCHANGE
COMMISSION,

Defendant.

Case: 1:09-cv-00996 (RBW)
Assigned: Walton, Reggie B.
Description: FOIA/Privacy Act

SECOND SUPPLEMENTAL DECLARATION OF NANCY ELLEN TYLER

I, Nancy Ellen Tyler, declare as follows:

1. I am employed as an Employee and Labor Relations Specialist in the Office of Human Resources ("OHR") of the U.S. Securities and Exchange Commission in Washington, D.C. ("SEC" or "Commission"). My duties and responsibilities since joining the SEC's OHR include primarily handling issues relating to labor relations and employment matters within the Commission. As part of my duties at OHR, I consult with attorneys in the Commission's Office of General Counsel (OGC) and with management within the Commission with respect to internal labor and employment matters.

2. I make the following statements based upon my personal knowledge and upon information made available to me in my official capacity at the Commission and about which I have become knowledgeable. I make this supplemental declaration in support of the Commission's motion for reconsideration of its motion for partial summary judgment in the above-captioned matter.

3. I have reviewed the documents listed as Document Nos. 1-77 in the revised Vaughn Index dated November 2010 that were withheld from disclosure by the Commission in connection with the above-captioned matter. I am familiar with these documents.

4. All the substantive communications reflected in or related to Document Nos. 1-77 were confidential. I did not disclose these communications or the information contained in them to anyone other than attorneys within the Office of the General Counsel whom I consulted on the matter, other OHR staff who were providing guidance to management, and the managers, who were deciding what, if any, discipline to impose. As far as I am aware, no one else disclosed these communications outside of that group of SEC employees. In my experience and practice at the SEC, Commission staff members are aware that information about employee disciplinary matters is sensitive and confidential, and provide that information only to staff members responsible for imposing the discipline, namely managers of the employee, those providing advice or assistance regarding the discipline, or supervisors of those persons. The only exceptions of which I am aware are when documents are requested in Congressional or Inspector General inquiries, but the decision making process addressed in the withheld documents has not been the subject of such an inquiry.

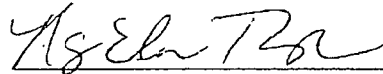
5. The documents withheld under the deliberative process privilege in the revised *Vaughn* Index pertain to decisions whether to take disciplinary actions. Those documents reflect that before discipline is imposed, SEC management, OHR staff, and SEC attorneys consider a variety of issues including whether the conduct at issue warrants discipline, what discipline is appropriate, how memoranda describing misconduct and resulting discipline should be written, how to make sure required procedures are followed, and how to implement the decisions. The documents withheld under the deliberative process privilege contain or reflect candid

communications on those and other issues.

6. The documents withheld pertain to several discrete disciplinary decisions. Only documents 1-6 and 47 pertain to the decision whether to discipline an employee for conduct regarding emails to Mark Cuban.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on November 5, 2010.



Nancy Ellen Tyler
Labor Relations and Employment Specialist
Office of Human Resources
Securities and Exchange Commission