

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>MARK CUBAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No. 1:09-cv-00996 (RWB)</b>
<b>vs.</b>	)	<b>Judge Reggie B. Walton</b>
	)	
<b>SECURITIES AND EXCHANGE</b>	)	
<b>COMMISSION,</b>	)	
	)	
<b>Defendant.</b>	)	

**UNOPPOSED MOTION OF PLAINTIFF MARK CUBAN FOR EXTENSION  
OF TIME TO REPLY TO THE SEC'S STATUS REPORT**

Plaintiff Mark Cuban hereby moves for an extension of two business days to file his reply to the December 1, 2010, Status Report filed by Defendant, the Securities and Exchange Commission ("SEC"). Good cause exists to grant this motion.

1. On December 1, 2010, the SEC filed a submission styled "Status Report Regarding Plaintiff's Proposal to Pay for Search and Application of Exemption 7(A) to Documents Relating to Ongoing Enforcement Action" ("Status Report").

2. A status hearing before the Court was originally scheduled on December 10, 2010, regarding matters raised in the SEC's Status Report.

3. Yesterday afternoon, the Court's law clerk emailed all counsel of record to advise that the December 10 status hearing would be rescheduled. This email asked whether counsel would be available during the week of January 31 through February 4, 2011. The email further noted that the Court did not anticipate receiving Mr. Cuban's reply to the SEC's Status Report ("Reply") by the December 10 hearing.

4. Mr. Cuban respectfully requests that he be permitted to file his Reply on Tuesday, December 14, 2010, instead of on December 10. The original December 10 filing date for his Reply coincided with the original date of the status hearing. A

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December 14 filing date would be two business days after December 10 and more than six weeks in advance of the next hearing. Because the SEC's Status Report was filed on December 1, a December 14 filing date for Mr. Cuban's Reply (in effect, an opposition to the SEC's submission) would give him thirteen calendar days in which to file his Reply. *Cf.* D.D.C. Loc. Civ. R. 7(b) (providing fourteen days for a party to file an opposition to a motion).

5. Counsel for Mr. Cuban contacted the Court's law clerk this morning and expressed their intention to request that the deadline be extended by two business days.

6. Counsel for Mr. Cuban also contacted Juanita Hernández, counsel for the SEC, in connection with this request and in compliance with Local Rule 7(m) of the United States District Court for the District of Columbia. Ms. Hernández indicated that the SEC did not oppose the extension.

7. Mr. Cuban has not previously moved for extension of any deadlines in this matter. The SEC has successfully moved for two extensions, neither of which involved the Status Report currently before the Court.

8. Because Mr. Cuban requests only two additional business days and the Court appears to be contemplating that the status hearing be postponed for more than a month, the granting of this extension would have no effect on any previously scheduled deadlines.

9. This request for a reasonable extension of time is made in good faith by Mr. Cuban and is not being made for any improper motive or purpose.

10. There is good cause to grant this motion. For the foregoing reasons, Mr. Cuban respectfully requests that the deadline for his Reply to the SEC's Status Report be extended by two business days until Tuesday, December 14, 2010.

Dated: December 7, 2010

Respectfully submitted,

/s/ Lyle Roberts

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SECURITIES AND EXCHANGE	)	
COMMISSION,	)	
	)	
Defendant.	)	

[PROPOSED] ORDER

UPON CONSIDERATION of the Unopposed Motion of Plaintiff Mark Cuban for Extension of Time to Reply to the SEC's Status Report, and upon good cause shown, it is hereby:

ORDERED that Plaintiff's Motion is GRANTED, and it is further

ORDERED that Plaintiff shall have until Tuesday, December 14, 2010, to file a Reply to the SEC's Status Report.

Signed and entered on December \_\_\_\_\_, 2010.

\_\_\_\_\_  
Hon . Reggie B. Walton  
United States District Judge

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