

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MARK CUBAN,	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Case: 1:09-cv-00996 (RWB)</b>
	)	<b>Assigned: Walton, Reggie B.</b>
SECURITIES AND EXCHANGE	)	<b>Description: FOIA/Privacy Act</b>
COMMISSION,	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT’S RENEWED MOTION FOR PARTIAL SUMMARY JUDGMENT  
PURSUANT TO JULY 1, 2011 COURT ORDER**

Comes now, Defendant, the Securities and Exchange Commission (“Defendant” or the “Commission” or “SEC”) and pursuant to this Court’s Order of July 1, 2011 and Rule 56 of the Federal Rules of Civil Procedure, hereby respectfully moves for partial summary judgment<sup>1</sup> in its favor in this case brought by Plaintiff Mark Cuban pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, on the grounds that there are no genuine issues of material fact, and Defendant is entitled to judgment as a matter of law in this FOIA action.

In support of this Motion, the Defendant would respectfully refer the Court to the Brief in Support of Defendant’s Renewed Motion for Partial Summary Judgment, and its attached Exhibits.<sup>2</sup> A proposed order is also attached pursuant to Local Rule 7(h).

<sup>1</sup> The SEC incorporates by reference the underlying facts and Statement of Material Facts previously provided in its prior filings in this case. Local Rule 7(h).

<sup>2</sup> The SEC also incorporates by reference its legal arguments it previously raised in its first two motions on these documents for partial summary judgment and for reconsideration including supportive responses and its supportive exhibits

Respectfully submitted,

/s/ Juanita C. Hernández

Juanita C. Hernández

D.C. Bar No.449797

Melinda Hardy

D.C. Bar No. 431906

Securities and Exchange Commission

100 F Street, N.E.

Washington, D.C. 20549-9612

[Hernandezj@sec.gov](mailto:Hernandezj@sec.gov)

[Hardym@sec.gov](mailto:Hardym@sec.gov)

202-551-5152 (telephone) (Hernández)

202-772-9263 (facsimile)

Dated: October 13, 2011

*Attorneys for Defendant*

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

<b>MARK CUBAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>Case: 1:09-cv-00996 (RWB)</b>
	)	<b>Assigned: Walton, Reggie B.</b>
<b>SECURITIES AND EXCHANGE COMMISSION,</b>	)	<b>Description: FOIA/Privacy Act</b>
	)	
<b>Defendant.</b>	)	
	)	

**[ PROPOSED ] ORDER**

On this day came on to be heard Defendant’s Renewed Motion for Partial Summary Judgment Pursuant to this Court’s Order of July 1, 2011, and the Court having reviewed said Motion and supporting legal arguments and authority in support of such motion and responses thereto and in accordance with the Court’s ruling in its Memorandum Opinion being issued contemporaneously with this Order, it is hereby

ORDERED that Defendant’s Renewed Motion for Partial Summary Judgment is GRANTED.

Signed and entered on this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
HON. REGGIE B. WALTON  
United States District Judge