

Exhibit 22

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

**THIRD REVISED VAUGHN INDEX
October 13, 2011**

Doc #	Document Description	Date	# of pages	Exempt/ Status	Basis for Exemption	Status
1	Internal 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. Produced with redaction of one sentence raising for consideration issue of what other action could be taken and names of the HR staffers involved in the disciplinary decision.	1/28/2008	2	Ex. 5(DP) & 6	The redacted information contains pre-decisional deliberations (DP) between SEC management and its HR staff on a personnel matter. Names were redacted to protect personal privacy interests of SEC staff involved in the discipline at issue.	Produced with redactions.
2	Internal email chain between an SEC HR senior staff person and an HR manager providing a report on discipline taken against an employee. Produced with redactions of the names of the HR staffers involved in this disciplinary decision.	1/28/2008	1	Ex. 6	Names were redacted to protect personal privacy interests of SEC staff involved in the discipline at issue.	Produced with redactions.
3	Internal email from an HR Staff person to an HR Manager providing a report on discipline taken against an employee. Produced with redactions of the names of the HR staffers involved in this disciplinary decision.	1/28/2008	7	Ex. 6	Names were redacted to protect personal privacy interests of SEC staff involved in the discipline at issue.	Produced with redactions.
4	Not at issue.					Produced with redactions. Redactions found proper in 7/1/11 Opinion.
5	Internal email from an HR manager to an HR staff person providing an employee's performance rating. Produced with redactions of the names of the HR staffers involved in this personnel decision.	8/15/2007	1	Ex. 6	Names were redacted to protect personal privacy interests of SEC staff involved in this personnel matter.	Produced with redactions.

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

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6	Internal email from an HR staff person to another HR employee providing an employee's performance rating. Produced with redactions of the names and contact info of the HR employees involved.	8/14/2007	1	Ex. 6	Names and contact information were redacted to protect personal privacy interests of SEC HR staff involved in deciding the discipline at issue.	Produced with redactions.
7	Email from an employee to a supervisor and a coworker 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. Produced with redactions of (1) personal emails addresses of employee and his wife, (2) family medical information, and (3) names of SEC staff.	6/2/2009 to 6/4/2009	1	Ex. 6	The medical information was withheld to protect the privacy interests of an employee and his family. Names and contact information were redacted to protect personal privacy interests of SEC staff involved in deciding the discipline at issue and of the employee.	Produced with redactions.
8	This email is 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. Produced with redactions of (1) personal email addresses of employee and his wife, (2) family medical information, and (3) names of SEC staff.	6/2/2009 to 6/4/2009	1	Ex. 6	The medical information was withheld to protect the privacy interests of an employee and his family. Names and contact information were redacted to protect personal privacy interests of SEC staff involved in deciding the discipline at issue and of the employee.	Produced with redactions.

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9	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. Produced with redactions of the names and contact info of SEC staff involved in handling the personnel issue and the OIG investigation and of a third party.	8/27/2007, 4/1/2009 and 6/3/2009	3	Ex. 6	Names and contact information were withheld to protect personal privacy interests of SEC staff conducting an OIG investigation, involved in deciding on the discipline, and mentioned peripherally in emails.	Produced with redactions.
10	Not at issue.					Produced with redactions. Redactions found proper in 7/1/11 Opinion.
11	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
12	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. Produced with redactions of the names of the HR employee involved in handling the personnel issue.	5/18/2009	1	Ex. 6	Name redacted to protect personal privacy interests of SEC staff involved in this personnel matter.	Produced with redactions.
13	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.

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14	Internal email between an HR staff person and an SEC supervisor about the handling of an employee's proposed adverse action discipline. This email comes from an archive file and includes only part of an email chain. Produced with redactions of the names of employees involved in handling the personnel issue.	4/7/2009	1	Ex. 6	Names were redacted to protect personal privacy interests of SEC staff involved in this disciplinary matter.	Produced with redactions.
15	Internal email chain between an HR staff person and two SEC supervisors RE: information needed for proposed discipline of an SEC employee. Produced with redactions of the names of the SEC employees involved in handling the personnel issue and of the name and information that could lead to the identification of a third party.	4/6/2009 to 4/7/2009	1	Ex. 6	Names were redacted to protect personal privacy interests of SEC staff involved in this disciplinary matter. Name and identifying information of third party redacted to protect privacy interests of person peripherally involved in issue of discipline.	Produced with redactions.
16	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. Produced with redactions of the names of SEC staff involved in handling the personnel issue and the OIG investigation and of a third party.	8/27/2007 and 4/1/2009	2	Ex. 6	Names were withheld to protect personal privacy interests of SEC staff conducting an OIG investigation, involved in deciding on the discipline, and mentioned peripherally in emails.	Produced with redactions.

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17	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. Produced with redactions of the names of SEC staff involved in handling the personnel issue and the OIG investigation and of a third party.	8/27/2009 and 4/1/2009	3	Ex. 6	Names were withheld to protect personal privacy interests of SEC staff conducting an OIG investigation, involved in deciding on the discipline, and mentioned peripherally in emails.	Produced with redactions.
18	Internal 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. Produced with redactions of the names of SEC staff involved in handling the personnel issue and the OIG investigation.	3/31/2009	1	Ex. 6	Names were withheld to protect personal privacy interests of SEC staff conducting an OIG investigation and involved in deciding on the discipline.	Produced with redactions.
19	Internal email between an HR staff person and an SEC supervisor discussing information needed for proposed discipline of an SEC employee and attaching Internal SEC guidance on handling confidential Bank Secrecy Act information. Produced with redactions of the names of SEC staff involved in handling the discipline.	3/30/2009	8	Ex. 6	Names were withheld to protect personal privacy interests of SEC staff involved in deciding on the discipline.	Produced with redactions.
20	Not at issue.					Produced with redactions. Redactions found proper in 7/1/11 Opinion.
21	Not at issue					Produced with redactions. Redactions found proper in 7/1/11 Opinion.

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22	Internal email between two HR staff persons and a SEC supervisor regarding the status, processing and handling of potential employee discipline. Produced with redactions of the names and contact information of the SEC employees handling the discipline.	3/6/2009 and 3/11/2009	1	Ex. 6	Names and contact information were withheld to protect personal privacy interests of SEC staff involved in deciding on the discipline.	Produced with redactions.
23	Not at issue					Produced with redactions. Redactions found proper in 7/1/11 Opinion.
24	Not at issue					Produced with redactions. Redactions found proper in 7/1/11 Opinion.
25	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
26	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
27	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
28	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
29	Not at issue.					Produced with redactions. Redactions found proper in 7/1/11 Opinion.

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30	<p>Memo to SEC employee from the employee's supervisor proposing discipline of the employee and 15 Attachments to that Memo. Memo produced with redactions of (1) sensitive details about employee misconduct and (2) names of SEC staff and third parties peripherally involved in misconduct at issue. Attachments 1, 2, 3, 7, 12, 13, 14, and 15 to the Memo are the same as or similar to documents listed elsewhere on the Vaughn Index. The Memo Attachments and Vaughn Documents correspond as follows:</p> <p>Attachment 1 and Document No. 72; Attachments 2 & 3 and Document No. 68; Attachments 7 and 15 and Document No. 67; Attachment 12 and Document No. 65; Attachment 13 and Document No. 50; Attachment 14 and Document No. 51. Those Attachments are being produced and/or redacted in a manner consistent with the corresponding Documents. Attachments 4, 5, 6, and 8 are being produced with redactions of (1) names of SEC staff handling the disciplinary action, (2) names of third parties peripherally involved in issues leading to discipline, (3) contact information, (4) social security numbers, and (5) birth dates. Attachments 9, 10, and 11 are being produced in full.</p>	5/22/2009	86	Ex. 6	<p>Names and personal identifying information were redacted to protect the personal privacy interests of outside persons and SEC staff who were not the subject of discipline. Details about employee misconduct were redacted to protect the personal privacy interests of a disciplined employee. Bases for withholding Attachments 1, 2, 3, 7, 12, 13, 14, and 15 are detailed in the entries for the corresponding documents in this Vaughn Index. Social security numbers and birthdates were withheld to protect personal privacy.</p>	Produced with redactions.
31	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.

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32	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
33	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
34	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
35	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
36	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
37	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
38	Handwritten notes of HR staff person of conference with a SEC supervisor RE: evidence in support of a memorandum proposing discipline of an employee. Produced with redactions of the name of an SEC employee handling the discipline.	1/13/2009	1	Ex. 6	Name was withheld to protect personal privacy interests of SEC staff involved in deciding on the discipline.	Produced with redactions.
39	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
40	Handwritten notes of HR staff person of conference with a SEC supervisor RE: steps to follow and issues to consider in making a decision on potential employee discipline. Produced with redactions of one sentence recording recommendation about how to handle discipline and of the names of an SEC staff person involved in handling the discipline.	12/4/2008	1	Ex. 5 (DP) & 6	The redacted information contains pre-decisional deliberations (DP) between HR staff and SEC management on a personnel matter. Name was withheld to protect the personal privacy interests of SEC staff involved in deciding on the discipline.	Produced with redactions.

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41	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
42	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
43	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
44	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
45	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
46	Internal email from HR staff person to SEC supervisors RE: levels of potential discipline of an employee. Produced with redaction of (1) two sentences raising for further consideration factors that could influence future decision to impose discipline and (2) names and contact information of SEC staff persons handling discipline.	11/3/2008	1	Ex. 5(DP) & 6	The redacted information contains pre-decisional deliberations (DP) between HR staff and SEC management on a personnel matter. Names and contact information were withheld to protect the personal privacy interests of SEC staff involved in deciding the discipline.	Produced with redactions.
47	Computer screen printout from an HR database of employee discipline regarding an employee's history of disciplinary actions. Produced with redactions of the names of SEC staff persons involved and phrase showing range of potential discipline.	9/4/2007	2	Ex. 6	Names were withheld to protect the personal privacy interests of SEC staff involved in deciding the discipline; information about the range of potential discipline was withheld to protect the employee's privacy interest.	Produced with redactions.

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48	Handwritten notes of HR staff person of conference with SEC supervisors RE: potential discipline of an employee. Also attached are two pages of FWRO office directory identifying SEC supervisors and employees in that office. Produced with redactions of (1) two sentences reflecting deliberations over appropriate level of discipline, (2) name of SEC staff person handling the discipline, and (3) direct dial phone numbers in office directory.	10/30/2008	3	Ex. 5(DP) & 6	The redacted information contains pre-decisional deliberations (DP) between HR staff and SEC management on a personnel matter. A name was withheld to protect the personal privacy interests of SEC staff involved in deciding the discipline. The telephone numbers in the office directory were also withheld to protect the personal privacy interests of SEC employees.	Produced with redactions.
49	Internal email from SEC supervisor to HR staff person forwarding email from SEC attorney to SEC supervisors and employees about attorney's plans for handling exhibits for a court hearing in an SEC enforcement action. The email also contains notes by the HR staff person that discuss how the email might relate to potential discipline against the employee. Produced with redactions of (1) the notes written by the HR staff person, (2) names of SEC staff persons who received the email and who were involved in handling the discipline, and (3) the attorney's comments on handling exhibits for a court hearing.	10/19/2008 and 10/30/2008	2	Ex. 5(WP) (DP) & 6	The information about the SEC attorney's handling of exhibits for a hearing was redacted to protect work product re: an SEC enforcement action (WP). The HR staff notes contain pre-decisional internal deliberations (DP) of HR staff considering potential discipline of an employee. Names were withheld to protect the personal privacy interests of SEC staff involved in deciding the discipline or SEC staff who happened to receive an email evidencing possible misconduct.	Produced with redactions.
50	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
51	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.

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52	Handwritten notes of HR staff person of two conferences with an SEC supervisor addressing whether employee was engaged in improper conduct. Produced with redactions of (1) two sentences reflecting concerns of supervisor with questions as to whether certain conduct warranted discipline and (2) name and contact information of SEC supervisor.	7/2-3/2008	1	Ex. 5 (DP) & 6	The redacted information contains pre-decisional deliberations (DP) concerning whether to impose discipline. The redacted names and personal identifiable info in this document were withheld to protect the personal privacy interests of SEC staff involved in deciding the discipline.	Produced with redactions.
53	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
54	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
55	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
56	Internal email chain between HR staff and SEC supervisor RE: drafting a memorandum proposing discipline. Produced with redactions of names and contact information for SEC staff persons handling discipline.	3/6/2009 and 3/11/2009	1	Ex. 6	Names and contact information were withheld to protect the personal privacy interests of SEC staff involved in deciding the discipline.	Produced with redactions.
57	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
58	Not at issue.					Produced with redactions. Redactions found proper in 7/1/11 Opinion.
59	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.

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60	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
61	Not at issue.					Produced with redactions. Redactions found proper in 7/1/11 Opinion.
62	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
63	Not at issue.					Withheld in full. Withholding found proper in 7/1/11 Opinion.
64	Internal email chain between HR staff and SEC supervisor RE: drafting a memorandum proposing discipline. Produced with redactions of names and contact information for SEC staff handling discipline.	3/6/2009 and 3/11/2009	1	Ex. 6	Names and contact information were withheld to protect the personal privacy interests of SEC staff involved in deciding the discipline.	Produced with redactions.
65	Internal email from SEC attorney to SEC supervisors and employees about attorney's plans for handling exhibits for a court hearing in an SEC enforcement action. Produced with redactions of (1) names of SEC staff who received the email, and (2) attorney's comments on handling exhibits for a court hearing.	10/19/2008	2	Ex. 5(WP) & 6	The information about the SEC attorney's handling of exhibits for a hearing was redacted to protect work product re: an SEC enforcement action (WP). Names were withheld to protect the personal privacy interests of SEC staff who happened to receive an email evidencing possible misconduct.	Produced with redactions.
66	Not at issue.					Produced in full.

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67	Internal email chain among SEC employee, SEC staff person and SEC supervisor about leave request by an employee. Email shows possible employee misconduct. Produced with redactions of names of SEC staff.	8/27/2007	2	Ex. 6	Names were redacted to protect the personal privacy interests of SEC staff who were not the subject of discipline.	Produced with redactions.
68	Memo to SEC employee from SEC Supervisor RE: decision on proposed discipline. Produced with redactions of (1) names of outside persons (witness and counsel) and information that could be used to identify them, (2) SEC staff not the subject of potential discipline, and (3) details about employee misconduct.	2/1/2006	2	Ex. 6	Names and identifying information redacted to protect the personal privacy interests of outside persons and SEC staff who were not the subject of discipline. Details about employee misconduct were withheld to protect the personal privacy interests of a disciplined employee.	Produced with redactions.
69	Internal email between HR staff person and SEC supervisor RE: handling of proposed discipline of employee. Produced with redactions of name and contact information of HR staff handling discipline.	12/11/2006	1	Ex. 6	Name and contact information redacted to protect the personal privacy interests of SEC staff person who was involved in deciding discipline.	Produced with redactions.
70	Internal email from SEC employee to supervisor and forwarded to HR staff RE: procedures for handling proposed discipline. Produced with redactions of name of HR staff handling discipline.	11/7/2006	1	Ex. 6	Name redacted to protect the personal privacy interests of the SEC staff person who was involved in deciding discipline.	Produced with redactions.

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71	Internal email from HR staff person to SEC supervisor transmitting for the supervisor's review a draft 4-page memorandum proposing employee discipline and discussing procedures and process for issuing final memo when it is ready. Two copies of the draft memorandum are included with the email. One contains handwritten comments and edits. Neither memorandum is the final version issued to the employee. The email is being produced with redactions of the name and contact information of the HR staff person handling the discipline. The draft memoranda are being withheld in full.	11/7/2006	9	Ex. 5 (DP) & 6	The two draft memoranda reflect in their entirety pre-decisional deliberations (DP) regarding what the final memorandum should say. The draft memoranda are also being withheld to protect the personal privacy interests of (1) the employee who was disciplined as it contains sensitive details about his misconduct and (2) a witness in a securities enforcement proceeding and state employees handling a state enforcement matter. The name was redacted from email to protect personal privacy interests of SEC staff person involved in deciding discipline.	Produced with redactions.
72	Emails between SEC supervisor, SEC attorney, and state government official RE: case handling and strategy in ongoing litigation matter of common interest to state and SEC and emails among SEC supervisors and SEC attorney discussing those emails. This was subject of employee discipline. Produced with redaction of (1) names of outside persons and their contact information, (2) name of HR staff person, and (3) information about the coordination between the SEC and a state securities agency of ongoing litigation efforts.	10/6/2006	5	Ex. 5 (WP), 6 & 7(C)	The information about the coordination of litigation efforts was redacted to protect work product re: an enforcement action (WP) in which the SEC and the state securities agency had a common interest. The same information was also redacted to protect the personal privacy interests of the employee who was disciplined as it contains sensitive details about his misconduct. Names and contact information of outside persons were redacted to protect personal privacy interests of persons involved in law enforcement investigation. Name of HR staff person was also redacted to protect privacy interests.	Produced with redactions.

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73	Internal email from SEC supervisor to HR staff person transmitting a draft memorandum on potential discipline of employee and requesting assistance in reviewing draft memorandum. The draft memo contains handwritten notes from one of the reviewers. The email is being produced with redactions of the name of the HR staff person handling the discipline. The draft memorandum is being withheld in full.	10/23/2006	4	Ex. 5 (DP) & 6	The draft memorandum reflects in its entirety pre-decisional deliberations (DP) regarding what the final memorandum should say. The draft memorandum also is being withheld to protect the personal privacy interests of (1) the employee who was disciplined as it contains sensitive details about his misconduct and (2) a witness in a securities enforcement proceeding and state employees handling a state enforcement matter.	Produced with redactions.
74	Internal email between SEC supervisors and HR staff person regarding potential discipline of employee. Produced with redactions of the name of the HR staff person handling the discipline.	10/30/2006	1	Ex. 6	Name was redacted to protect privacy interests of SEC staff person handling discipline.	Produced with redactions.
75	Internal email from an SEC supervisor to an HR staff person with handwritten notes of HR staff of subsequent conference with SEC supervisors. Produced with redactions of (1) handwritten notes that reflect questions posed by SEC supervisors for HR staff to consider and (2) the name of the HR staff person handling the matter.	10/3/2006	1	Ex. 5(DP) & 6	The redacted information contains pre-decisional deliberations (DP) concerning whether to impose discipline. The redacted names and were withheld to protect the personal privacy interests of SEC staff involved in handling the personnel matter.	Produced with redactions.

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76	Internal email between SEC supervisor and HR staff person regarding potential discipline of employee for employee misconduct on email usage. Produced with redactions of (1) SEC staff names and contact information and (2) name of a witness in an Enforcement investigation.	10/10/2006	2	Ex. 6	Name was redacted to protect privacy interests of SEC staff person handling discipline and of witness in Enforcement investigation.	Produced with redactions.
77	Email chain between SEC employees in which employee who was responding to proposed discipline was pressuring another employee to provide assistance. That string was forwarded to an SEC supervisor and then to an HR staff person. Also contains the names of the SEC employees that were not the subject of discipline nor involved in deciding that discipline.	6/11/2009 to 6/14/2009	7	Ex. 6	This email was withheld in its entirety to protect the personal privacy interests of the employee whose assistance was being sought and of the employee whose discipline was proposed. The emails contain many personal details, and redaction of names would not protect the identity whose assistance was being sought in light of all the information contained in the email.	Withheld in full.
78	Not at issue.					Produced with redactions. Redacted were the names and personal identifiable info of SEC staff persons involved.
79	Not at issue.					Produced with redactions. Redacted were the names and personal identifiable info of SEC staff persons involved.
80	Not at issue.					Produced with redactions. Redacted were the names and personal identifiable info of SEC staff persons involved.

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