

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SECURITIES AND EXCHANGE	§	
COMMISSION,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:08-CV-2050-D
VS.	§	
	§	
MARK CUBAN,	§	
	§	
Defendant.	§	

**ORDER**

Because the Fifth Circuit has vacated and remanded this court's judgment dismissing this suit, and plaintiff's action will continue, the court denies without prejudice defendant's August 28, 2009 motion for attorney's fees and expenses ("attorney's fees motion"). This will, *inter alia*, eliminate the need to resolve difficult discovery issues that may arise due to the pendency of parallel litigation involving plaintiff's suit on the merits and defendant's attorney's fees motion. In view of the denial without prejudice of the attorney's fees motion, the court also denies without prejudice the following discovery motions: plaintiff's March 29, 2010 motion to compel responses to interrogatories and production of documents; defendant's March 29, 2010 motion to compel responses to interrogatories and production of documents; and plaintiff's April 19, 2010 motion for protective order.

If it is later necessary or appropriate to reurge any of these motions, a party may do so by adopting the briefing and supporting materials on file. In view of this order, no discovery related

to the attorney's fees motion may be conducted without leave of court.

**SO ORDERED.**

September 21, 2010.

  
SIDNEY A. FITZWATER  
CHIEF JUDGE

