

COPY

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EAGLE BROADBAND, INC.  
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8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SANTA CLARA

11 EAGLE BROADBAND, INC.,  
12 Plaintiff,  
13 vs.  
14 DOES 1 through 25, inclusive,  
15 Defendants.

CASE NO. 1-05-CV-050179

**DECLARATION OF KARINEH  
KHACHATOURIAN IN SUPPORT OF  
PLAINTIFF'S MOTION TO SEAL  
MEMORANDUM OF POINTS AND  
AUTHORITIES AND DECLARATION IN  
SUPPORT OF OPPOSITION TO  
DEFENDANT'S MOTION FOR  
ATTORNEYS' FEES**

**Accompanying Papers:**  
Notice of Motion and Motion to Seal;  
[Proposed] Order; Memorandum of Points  
and Authorities in Support of Motion to Seal

Date: August 8, 2006  
Time: 9:00 a.m.  
Dept.: 2  
Judge: Hon. William J. Elfving

Complaint filed: October 5, 2005  
Trial Date: None Set  
Special Motion to Strike  
Granted: March 7, 2006

25 I, KARINEH KHACHATOURIAN, declare as follows:

26 1. I am an attorney at law duly licensed to practice before all courts of the State of  
27 California. I am an attorney with the firm of Gordon & Rees LLP, attorneys for Plaintiff Eagle  
28

(ENDORSED)  
FILED

2006 JUL 26 PM 4: 21

KIRI TOKRE  
CHIEF EXEC/OFFICER/CLERK  
SUPERIOR COURT OF CA  
COUNTY OF SANTA CLARA  
BY \_\_\_\_\_ DEPUTY

1 Broadband, Inc. ("Plaintiff").

2 2. If called upon to testify as to the matters set forth herein, I could and would  
3 competently testify thereto as the matters set forth in this declaration that are personally known  
4 to me to be true. As to those matters stated on information and belief, I would competently  
5 testify thereto as I believe those matters to be true.

6 3. On or about April 21, 2006, Plaintiff and Defendants Does 4 and 5 entered into a  
7 Settlement Negotiation Agreement. Attached as Exhibit G to Declaration of Karineh  
8 Khachatourian in Support of Opposition to Defendant Doe 5's Motion for Attorneys' Fees is a  
9 true and correct copy of the Settlement Negotiation Agreement.

10 4. This Settlement Negotiation Agreement contained a confidentiality clause  
11 preventing the disclosure of certain information unless in connection with Doe 5's motion for  
12 attorney fees and in that case the parties agreed to file any such information under seal.

13 5. Defendant Doe 5 filed a Motion for Attorneys' Fees scheduled for hearing August  
14 8, 2006.

15 6. In order to properly respond to Defendant Doe 5's Motion for Attorneys' Fees,  
16 Plaintiff's Memorandum of Points and Authorities in Support of the Opposition to said motion  
17 and the Declaration in Support of the Opposition will have to include information specifically  
18 covered by the confidentiality clause of the Settlement Negotiation Agreement.

19 7. The proposed sealing is necessary to honor the parties agreement upon which  
20 Plaintiff relied and to avoid the prejudice that would result if this information were disclosed to  
21 the public as it could harm any future settlement negotiations.

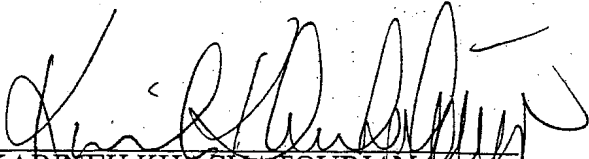
22 8. The proposed sealing is narrowly tailored to protect the Plaintiff's interest.

23 9. In order to prevent disclosure of information covered by the confidentiality clause  
24 of the Settlement Negotiation Agreement and to minimize the number of documents Plaintiff is  
25 asking the Court to place under seal, the Memorandum of Points and Authorities in Support of  
26 the Motion to Seal and this Declaration reference the proposed sealed Declaration in Support of  
27 Opposition to Defendant's Motion for Attorneys' Fees and its attachments instead of attaching

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1 hereto to avoid lodging yet another document under seal.

2 I declare under penalty of perjury under the laws of California that the foregoing  
3 statements are true and correct. Executed this 26th day of July 2006, at San Francisco,  
4 California.

5   
6 KARINEH KHACHATOURIAN

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