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EAGLE BROADBAND, INC.

FILED  
2006 AUG 21 AM 9:06  
JUDITH CASTILLO  
CLERK OF COURT  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SANTA CLARA

Gordon & Rees LLP  
Embarcadero Center West  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

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

CASE NO. 1-05-CV-050179  
**[PROPOSED] ORDER SETTING  
HEARING ON PLAINTIFF EAGLE  
BROADBAND INC.'S EX PARTE  
APPLICATION FOR  
CLARIFICATION ON ORDER  
GRANTING MOTION TO SEAL AND  
ORDER TO LODGE RECORDS  
UNDER SEAL**

Time: 8:30 a.m. **BY FAX**  
Date: August 15, 2006  
Dept: 2  
Judge: Hon. William J. Elfving  
Complaint filed: October 5, 2005

21 This matter came for hearing on the date and time listed above, in Department 2 of the  
22 above-entitled court. The Court, having considered all papers filed in connection with Plaintiff  
23 Eagle Broadband, Inc.'s *Ex Parte* Application to clarify the portion of the Court's August 9,  
24 2006 order granting Plaintiff Eagle Broadband's Motion to Seal ("Motion for Clarification"), and  
25 having heard the arguments of the parties appearing at the hearing, and all other matters  
26 presented to the Court, and for good cause appearing,

27 IT IS HEREBY ORDERED that Plaintiff's Ex Parte Application this *Ex Parte*  
28 Application to clarify the portion of the Court's August 9, 2006 order granting Eagle's Motion to

1 Seal is GRANTED IN PART as follows:

2 1. The Court will hear Plaintiff Eagle Broadband, Inc.'s Motion for Clarification at  
3 9:00 a.m. on September 19, 2006. Eagle will file and serve its motion and the parties will file  
4 and serve their respective opposition and reply papers in accordance with the deadlines  
5 enumerated by Code of Civil Procedure Section 1005(b).

6 2. Pending a determination on Plaintiff Eagle Broadband, Inc.'s Motion for  
7 Clarification, the Clerk of the Court is directed to maintain the following documents under seal  
8 as previously lodged by Eagle Broadband:

- 9 a. Plaintiff Eagle Broadband, Inc.'s Opposition to Defendant Doe 5's (Thomas  
10 Mould) Motion For Attorneys' Fees (C.C.P. § 425.16(c))  
11 b. Declaration of Karineh Khachatourian in Support of Opposition to Defendant Doe  
12 5's Motion for Attorneys' Fees (C.C.P. § 425.16(c))

13 3. Pending a determination on Plaintiff Eagle Broadband, Inc.'s Motion for  
14 Clarification, the Clerk of the Court is directed to lodge the existing unredacted version of  
15 Defendant DOE 5's Reply Memorandum of Points and Authorities in Support of His Motion for  
16 Reasonable Attorneys' Fees (C.C.P. § 425.16(c)) and to lodge in the public record the redacted  
17 version filed by Eagle in compliance with this Order.

18 4. Plaintiff Eagle Broadband, Inc. is directed to file with the Court a copy of the  
19 redacted version of Defendant DOE 5's Reply Memorandum of Points and Authorities in  
20 Support of His Motion for Reasonable Attorneys' Fees (C.C.P. § 425.16(c)), which was included  
21 in Eagle's *Ex Parte* Application.

22 5. None of the documents referenced herein that are filed and/or lodged under seal  
23 shall be unsealed unless ordered by the Court.

24 IT IS SO ORDERED.

25  
26 Dated: 9/21, 2006

27 By    
28 JUDGE OF THE SUPERIOR COURT

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APPROVED AS TO FORM:

Dated: August 18 2006

GORDON & REES LLP

By   
Jeffrey M. Rathoff  
Attorneys for Plaintiff  
EAGLE BROADBAND, INC.

Dated: August \_\_, 2006

CALIFORNIA ANTI-SLAPP PROJECT

By \_\_\_\_\_  
Paul Clifford  
Counsel for Defendant  
THOMAS MOULD A/K/A DOE 5 A/K/A  
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APPROVED AS TO FORM:


Dated: August \_\_, 2006

GORDON & REES LLP

By \_\_\_\_\_  
Jeffrey M. Rafinoff  
Attorneys for Plaintiff  
EAGLE BROADBAND, INC.

Dated: August 17, 2006

CALIFORNIA ANTI-SLAPP PROJECT

By  \_\_\_\_\_  
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