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2006 JAN -5 AM 11:14

J. DeHerrera
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SUPERIOR COURT
COUNTY OF SANTA CLARA
BY: [Signature] DEPUTY

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9 EAGLE BROADBAND, INC.

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SANTA CLARA

12 EAGLE BROADBAND, INC.,

13 Plaintiff,

14 v.

15 DOES 1 through 25,

16 Defendants.

CASE NO. 1-05-CV-050179

AMENDMENT TO THE COMPLAINT
OF EAGLE BROADBAND TO
SUBSTITUTE TRUE NAMES IN
PLACE OF FICTITIOUS NAMES

BY FAX

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

17 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

18 At the time of filing the complaint, Plaintiff Eagle Broadband was ignorant of the true
19 names of certain defendants and stated said fact in the complaint and designated the defendants
20 by fictitious DOE names. Having discovered the true name of one DOE Defendant, Eagle
21 Broadband hereby amends the complaint on file herein and attached hereto as Exhibit A, by
22 inserting the following true name in place and instead of such fictitious name wherever it appears
23 in the complaint:

24 DOE THREE aka upanddown100 AKA Daniel Berger, an individual.

25 Dated: January 4th 2006

GORDON & REES, LLP

26 By: [Signature]
27 Karineh Khachatourian
28 Attorney for Plaintiff EAGLE
BROADBAND, INC.