

ORIGINAL

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EAGLE BROADBAND, INC.

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

FILED Santa Clara Co
02/07/07 3:56pm
Kiri Torre
Chief Executive Officer
By: Judith C. D'Scala
R#200700013193
CK \$40.00
TL \$40.00
Case: 1-05-CV-050179

11 EAGLE BROADBAND, INC.,

12 Plaintiff,

13 vs.

14 DOES 1 through 25, inclusive,

15 Defendants.

CASE NO. 1-05-CV-050179

**PLAINTIFF EAGLE BROADBAND'S
NOTICE OF MOTION AND MOTION
TO SEAL RECORDS**

Date: February 22, 2007

Time: 9:00 a.m.

Dept: 22

Judge: Hon. Kevin J. Murphy

Complaint filed: October 5, 2005

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on February 22, 2007 at 9:00 a.m. or as soon thereafter as
23 the matter may be heard, in Department 22 of the above-entitled court, located at 161 N. First
24 Street, San Jose, CA 95113, Plaintiff Eagle Broadband, Inc. ("Eagle" or "Plaintiff") will move
25 the court for an order pursuant to Rules of Court 2.550 and 2.551 to seal Exhibit 1 to the
26 Declaration of Karineh Khachatourian filed in conjunction with Eagle's Consolidated Opposition
27 to Defendant Thomas Mould's Motion for Assignment of Rights and Related Relief and Motion
28 For Bond Pursuant to Code Of Civil Procedure § 1030 and this Motion to Seal.

1 This motion is made on the grounds that on August 9, 2006, the Court previously ordered
2 that Exhibit 1, which is a confidential settlement negotiation agreement, be filed and maintained
3 under seal pursuant to Rules of Court 2.550 and 2.551. Further, Eagle has an overriding interest
4 in honoring the settlement negotiation agreement that requires that this agreement be filed and
5 maintained under seal. Eagle Broadband will suffer prejudice if the agreement is not sealed
6 because it relied on the protections of this agreement in engaging in good faith settlement
7 negotiations and would be in violation of the Court's prior order. The proposed sealing is
8 narrowly tailored and is consistent with the Court's prior order.

9 The motion is based on this Notice, the Memorandum of Points and Authorities, the
10 Declaration of Karineh Khachatourian filed herewith, the record and files in this case, and any
11 other oral or documentary evidence introduced at the hearing for this motion.

12
13 Dated: February 7, 2007

BUCHANAN INGERSOLL & ROONEY LLP

14
15 By  _____

16 JEFFREY M. RATINOFF
17 Attorneys for Plaintiff
18 EAGLE BROADBAND, INC
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