

1 MARK GOLDOWITZ, # 96418
2 PAUL CLIFFORD, #119015
3 CALIFORNIA ANTI SLAPP-PROJECT
4 2903 Sacramento Street
5 Berkeley, CA 94702
6 Phone: (510) 486-9123 x 301
7 Fax: (510) 486-9708

8 Counsel for Defendant
9 Thomas Mould, sued herein as
10 DOE 5 a/k/a benderanddumat

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SANTA CLARA

13 EAGLE BROADBAND, INC.,
14 Plaintiff,
15 v.
16 DOES 1 through 25, inclusive,
17 Defendants.

CASE NO.: 1-05-CV050179

PETITION FOR HEARING ON THIRD
PARTY CLAIM; ORDER SETTING
HEARING DATE PURSUANT TO C.C.P.
§720.310

Date: 3-1, 2007

Time: 9:00 a.m.

Dept.: 22

Judge: Hon. Kevin J. Murphy

Complaint Filed: October 5, 2005

Trial Date: None Set

Special Motion to Strike Complaint Granted:
March 7, 2006

Levying Officer File No.: 2006751094

[Filed in conjunction with Verified
Opposition To Third Party Claim By
Dutchess Private Equities, L.P. and Proof of
Service]


1 TO THE SUPERIOR COURT OF SANTA CLARA COUNTY:

2 A third-party claimant, Dutchess Private Equities Fund, L.P. ("Dutchess") has filed two
3 third-party claims with the levying officer pursuant to C.C.P. section 720.210, et seq.. Judgment
4 Creditor Thomas Mould (a/k/a Doe 5) ("Judgment Creditor") hereby petitions the Court for a
5 hearing to determine the validity and priority of the third-party claims of Dutchess and for an
6 order that the obligation incurred by Eagle Broadband, Inc. to Dutchess was fraudulent as to
7 Judgment Creditor, that Judgment Creditor is entitled to levy and execute in and to the subject
8 property and/or any other property in which Dutchess claims a security interest, that any interest
9 of Dutchess shall be deemed junior and subordinate to that of Judgment Creditor, and for a
10 proper disposition of the property that is the subject of the claim in accordance with C.C.P.
11 section 720.310.

12 Wherefore, Judgment Creditor and petitioner Mould hereby requests that a hearing date
13 be set and held within 20 days of the filing of this petition as required by C.C.P. section
14 720.310(c).

15
16 Dated: February 9, 2007

Respectfully submitted,

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18 
19 Paul Clifford
20 Counsel for Defendant Thomas Mould
(Doe 5 a/k/a "benderanddundat")

21
22 **ORDER**

23 IT IS HEREBY ORDERED that the hearing on this petition be held on _____,
24 2007, at _____ a.m./p.m. in Department ____ of this Court.

25
26
27 Hon. Kevin J. Murphy
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