

Superior Court of California, County of Santa Clara

Eagle Broadband, INC  
Plaintiff/Petitioner

Case# 1-05-CV050179

VS

Does 1 to 25, inclusive  
Defendant/Respondent

FILED

FEB 13 2007

Declaration of Clerk for Search of Missing Document

KIRI TORRE  
Chief Executive Officer/Clerk  
Court of CA, County of Santa Clara  
By [Signature] Deputy Clerk  
A. RODRIGUEZ  
WAS

I, the undersigned, deputy clerk, state, a diligent search has been made for the following original document(s):

1. Order re (1) Eagle's Motion to Stay Doe 5's Motion For Attorney Fees
2. \_\_\_\_\_
3. (2) Doe 5's Motion to Seal
4. (3) Doe 5's Motion For Attorney Fees

In the above entitled action. (4) Doe 2's Special Motion to Strike Eagle's Complaint

I have searched as follows:

1. On the entire shelf where the files are housed. I have checked all of the files on that shelf for documents filed on or after the filing date of the attached endorsed filed copies.
2. I looked at the following cases (including closed volumes): 1-05-CV050179  
Vol 5 7, 8
3. I have checked the following combination of numbers: CV051079, CV050197  
CV051097
4. Other: Sealed Room, checked with courtroom clerk for Dept. 2, and with Research attorneys

Said search has failed to locate the original document(s). Therefore, it is requested that the court order the attached endorsed filed copies to be marked "DUPLICATE ORIGINALS".

I declare under penalty of perjury under the laws of the State of California, the foregoing is true and correct.

Executed on 2-2-07

Deputy Clerk [Signature]

Whereupon, good cause appearing, IT IS HEREBY ORDERED THAT: The attached copies of the above identified documents in the above entitled action are to be marked "DUPLICATE ORIGINAL".

Dated: 2-13-07

By: [Signature]  
Joseph H. Huber  
Judge of the Superior Court

Duplicate  
Original  
~~(ENDORSE)~~  
**FILED**

AUG 09 2006

KIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY M. FIJDUK DEPUTY

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA**

EAGLE BROADBAND, INC.

Plaintiff

v.

DOES 1 to 25, inclusive,

Defendants.

Case No. 1 - 05 - CV050179

Order re: (1) EAGLE's Motion to Stay  
DOE 5's Motion for Attorney  
Fees  
(2) DOE 5's Motion to Seal  
(3) DOE 5's Motion for  
Attorney Fees  
(4) DOE 2's Special Motion to  
Strike EAGLE's Complaint

The following motions came on for hearing before the Honorable William J. Elfving on August 8, 2006 at 9:00 a.m. in Department 2: (1) EAGLE's Motion to Stay DOE 5's Motion for Attorney Fees; (2) DOE 5's Motion to Seal; (3) DOE 5's Motion for Attorney Fees; and (4) DOE 2's Special Motion to Strike EAGLE's Complaint. The matters having been submitted, the Court finds and orders as follows:

4. EAGLE's Motion to Stay DOE 5's Motion for Attorney Fees is denied.
5. EAGLE's Motion to Seal is granted.

(a) The Court finds that there exists an overriding interest that overcomes the right of public access in the records specified below, in that disclosure would

Order re: (1) EAGLE's Motion to Stay DOE 5's Attorney Fees Motion; (2) DOE 5's Motion to Seal; (2) DOE 5's Motion for Attorney Fees; (4) DOE 2's Special Motion to Strike [CCP §425.16].



ENDORSED)

**FILED**

**IN THE SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA**

AUG 09 2006

Plaintiff(s):  
EAGLE BROADBAND, INC.

Defendant(s):  
DOES 1 to 25, inclusive

KIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
**M. HIJDUK** DEPUTY

**PROOF OF SERVICE BY MAIL OF ORDER RE:  
1. EAGLE'S MOTION TO STAY DOE 5'S MOTION FOR  
ATTORNEY FEES 2. DOE 5'S MOTION TO SEAL 3. DOE  
5'S MOTION FOR ATTORNEY FEES 4. DOE 2'S SPECIAL  
MOTION TO STRIKE EAGLE'S COMPLAINT**

**Case Number:**  
1-05-CV050179

CLERK'S CERTIFICATE OF SERVICE: I certify that I am not a party to this case and that a true copy of this document was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below the document was mailed at SAN JOSE, CALIFORNIA on : August 9, 2006.

Kiri Torre, Chief Executive Officer/Clerk

BY \_\_\_\_\_, Deputy  
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