

38-07  
4-19-07

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10 DAVID MOWERS aka DOE 2

**FILED**  
2007 FEB 23 AM 10:14  
KIRI TORRES  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
SANDRA RAMIREZ  
DEPUTY

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA CLARA

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

CASE NO. 1-05-CV-050179  
**STIPULATION AND [PROPOSED] ORDER  
CONTINUING HEARING ON THE  
SPECIAL MOTION TO STRIKE FILED BY  
DEFENDANT DAVID MOWERS A/K/A  
DOE 2 AND MODIFYING BRIEFING  
SCHEDULE RELATED THERETO**  
  
Dept: 22  
Judge: Hon. Kevin J. Murphy  
  
Complaint Filed: October 5, 2005  
Trial Date: None Set

19 Plaintiff EAGLE BROADBAND, INC. ("Eagle") and Defendant David Mowers a/k/a  
20 "team\_3339" a/k/a DOE 2 ("Mr. Mowers"), by and through their respective counsel, hereby enter  
21 into this Fourth Stipulation and [Proposed] Order Continuing Hearing on his Special Motion to  
22 Strike and Modifying Briefing Schedule Related Thereto ("Stipulation").

23 WHEREAS, Mr. Mowers' Special Motion to Strike the Complaint Pursuant to California  
24 Code of Civil Procedure Section 425.16 ("Special Motion to Strike") is currently scheduled to be  
25 heard by this Court at 9:00 a.m. on March 8, 2007; and

26 WHEREAS, the parties have agreed to request a continuance of the remaining dates in the  
27 briefing schedule for and the date currently set for the hearing for a mutually convenient and  
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1 agreeable date and time, as well as to modify the briefing schedule in a mutually acceptable manner  
2 that takes into account the schedules of the parties' respective counsel;

3 NOW THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff Eagle  
4 Broadband, Inc. and Defendant David Mowers, by and through their respective counsel, that:

5 1. The March 8, 2007 hearing on Mr. Mowers' Special Motion to Strike is hereby  
6 vacated.

7 2. Eagle must file and serve, by hand delivery, its supplemental opposition to  
8 Defendants' Special Motion to Strike on or before April 5, 2007.

9 3. Mr. Mowers must file and serve, by hand delivery, his supplemental reply brief in  
10 support of his Special Motion to Strike on or before April 12, 2007.

11 4. Oral argument on Mr. Mowers' Special Motion to Strike will be heard in Department  
12 22 of this Court at 9:00 a.m. on April 19, 2007.

13 5. Any party may sign this Stipulation by facsimile or electronic signature and such  
14 signature shall be treated as an original and shall be fully enforceable.

15 Dated: February 21, 2007

FISH & RICHARDSON P.C.

17 By Shelley K. Mack

18 Shelley K. Mack  
19 Attorneys for Defendant  
20 DAVID MOWERS aka DOE 2

21 Dated: February 21, 2007

BUCHANAN, INGERSOLL & ROONEY, LLP

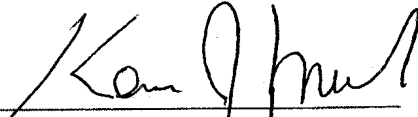
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23 By Karin Khachatourian  
24 Karin Khachatourian  
25 Attorneys for Plaintiff  
26 EAGLE BROADBAND, INC.  
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**ORDER**

Pursuant to this Stipulation and good cause appearing, it is so ordered.

Dated: 2-23-07

  
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Honorable Kevin J. Murphy  
Judge of the Superior Court