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**FILED**

FEB 28 2007

WCS

KIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY: RENÉE ROGERS DEPUTY

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SANTA CLARA

11 EAGLE BROADBAND, INC., )  
12 Plaintiff, )  
13 vs. )  
14 DOES 1 through 25, inclusive, )  
15 Defendants. )  
16 )  
17 )  
18 )  
19 )  
20 )

CASE NO. 1-05-CV-050179  
**[PROPOSED] ORDER GRANTING  
PLAINTIFF EAGLE BROADBAND'S  
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 This matter came for hearing on the date and time listed above, in Department 22 of the  
22 above-entitled court. The Court, having considered all papers filed in connection with Plaintiff  
23 Eagle Broadband, Inc.'s Motion to Seal Records, and having heard the arguments of the parties  
24 appearing at the hearing, and all other matters presented to the Court, and for good cause  
25 appearing,

26 THE COURT HEREBY FINDS that:

27 (1) There exists an overriding interest that overcomes the right of public access in the  
28 records specified below, in that disclosure would deprive Eagle Broadband, Inc. of its right to

1 enforce a binding contractual obligations. See *Universal City Studios, Inc. v. Superior Court*,  
2 110 Cal.App.4th 1273, 1283 (2003); *Publicker Industries, Inc. v. Cohen* 733 F.2d 1059 (3rd Cir.  
3 1984).

4 (2) This overriding interest supports sealing the records specified below.

5 (3) A substantial probability exists that this overriding interest will be prejudiced if  
6 the records specified below are not sealed, in that Eagle Broadband, Inc.'s ability to enforce its  
7 obligations under the Settlement Negotiation Agreement will be compromised.

8 (4) The records sealed below have been tailored to limit narrowly the overall records  
9 to be sealed.

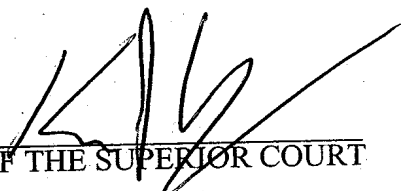
10 (5) No less restrictive means exists to achieve the overriding interest.

11 (6) Therefore, Eagle Broadband, Inc.'s Motion to Seal is GRANTED as to Exhibit 1  
12 of the Declaration of Karineh Khachatourian filed in support of Eagle Broadband, Inc.'s  
13 Opposition to Defendant Mould's Motion for Assignment of Rights and Other Relief and in  
14 Support of Eagle Broadband, Inc.'s Motion to Seal.

15 (7) Other than the Court, only the following person(s) are authorized to inspect the  
16 records sealed by this order: Court personnel, the parties, and the parties' counsel of record.

17 IT IS SO ORDERED.

18  
19 Dated: 2-28-07, 2007

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21   
22 JUDGE OF THE SUPERIOR COURT  
23 KEVIN J. MURPHY