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3 CALIFORNIA ANTI-SLAPP PROJECT
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FILED
2007 JUL 12 AM 9:24
KIRI TORRE
EXEC. OFFICE / CLERK
SUPERIOR COURT OF CA
COUNTY OF SANTA CLARA
S. GARCIA
DEPUTY

8 Counsel for Defendant and Judgment Creditor
9 THOMAS MOULD a/k/a Doe 5

10 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
11 COUNTY OF SANTA CLARA
12 UNLIMITED CIVIL JURISDICTION

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

CASE NO. 105CV050179

~~PROPOSED~~ ORDER ON DEFENDANT
MOULD'S MOTION FOR ASSIGNMENT
OF RIGHTS AND RELATED RELIEF

Date: February 22, 2007
Time: 9:00 a.m.
Dept.: 22
Judge: Hon. Kevin J. Murphy
Post-Judgment Collection Proceedings

18 Defendant and Judgment Creditor Thomas Mould's ("Mould") Motion for
19 Assignment of Rights and Related relief came for hearing before the Honorable Kevin J.
20 Murphy on February 22, 2007, at 9:00 a.m. in Department 22 in the above-entitled court.
21 After considering the papers filed by the parties and the argument of counsel and good
22 cause appearing therefore,

23 IT IS HEREBY ORDERED that:

- 24 1. Defendant and Judgment Creditor Mould's request for assignment of rights is
25 denied.
26 2. Judgment Debtor Eagle Broadband, Inc. ("Eagle") is hereby prohibited and
27 enjoined, pursuant to C.C.P. section 708.520, from assigning, mortgaging, selling, or
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therwise disposing of, any and all accounts receivable, rights to payment of money, or claims for payment of money due from third parties. Mould is not required to post an undertaking. *until further order of court or until posted of bond by Plaintiff. JM*

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3. Defendant Mould has withdrawn his request for a turnover order.

4. Judgment Debtor Eagle shall, not later than 30 days after service of notice of entry of this order, post a bond pursuant to C.C.P. sections 1030 and 917.1(b), to cover fees already awarded plus interest, in the amount of \$69,601.31. Pursuant to C.C.P. section 917.1(b), the undertaking shall be double that amount unless given by an admitted surety insurer, in which event it shall be for one and one-half times that amount.

5. Judgment creditor Mould is entitled to recover his reasonable attorneys' fees and costs for collection activity, including for work on this motion, pursuant to *Ketchum v. Moses* (2001) 24 Cal.4th 1121, 1441 fn. 6. If the amount of fees cannot be resolved by negotiation, Mould may establish it by noticed motion.

6. The request for joinder by third party claimant Dutchess Private Equities, L.P. is denied.

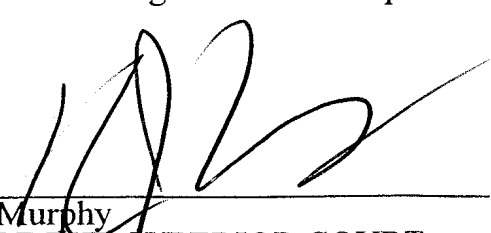
7. A copy of this order shall be personally served upon the judgment debtor.

8. Eagle's request that the Court stay its order to post a bond so that Eagle may seek a writ supersedeas from the Court of Appeal is denied.

9. NOTICE is hereby given that failure by the judgment debtor to comply with the restraining order may subject the judgment debtor to being held in contempt of court.

IT IS SO ORDERED.

DATED: 7-12-07



Kevin J. Murphy
JUDGE OF THE SUPERIOR COURT