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KIRI TORRE  
DEF EXEC. OFFICER/CLERK  
SUPERIOR COURT OF CA  
COUNTY OF SANTA CLARA  
S. GARCIA DEPUTY

1 MARK GOLDOWITZ (SBN 96418)  
2 PAUL CLIFFORD (SBN 119015)  
3 CALIFORNIA ANTI-SLAPP PROJECT  
2903 Sacramento Street  
4 Berkeley, CA 94702  
Telephone: (510) 486-9123 X 301  
Facsimile: (510) 486-9708

5 Attorneys for Defendant,  
6 THOMAS MOULD  
Sued herein as Doe 5

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF SANTA CLARA

11 EAGLE BROADBAND, INC.,  
12  
13 Plaintiff,  
14 vs.  
15 DOES 1 through 25, inclusive,  
16 Defendants.

Case No. 1-05-CV-050179

**STIPULATION AND [PROPOSED]  
ORDER RE ORDER OF JULY 12, 2007**

Complaint Filed: October 5, 2005

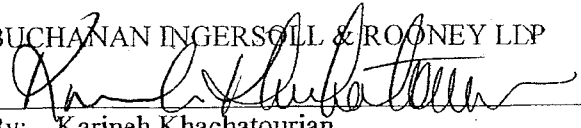
**BY FAX**

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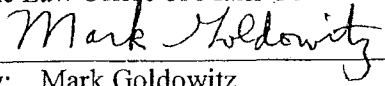
1 On July 12, 2007, the Court issued an order, *inter alia*, restraining Plaintiff from assigning  
2 or disposing of certain assets (Paragraph 2) and ordering Plaintiff to post a bond (Paragraph 4). A  
3 copy of said order is attached hereto as Exhibit A.

4 IT IS HEREBY STIPULATED by and between Plaintiff EAGLE BROADBAND, INC.  
5 ("Plaintiff") and Defendant THOMAS MOULD (sued as DOE 5) ("Defendant") (collectively, "the  
6 parties") and his attorneys, the California Anti-SLAPP Project and the Law Office of Mark  
7 Goldowitz ("his attorneys" or "the California Anti-SLAPP Project"), that said Paragraphs 2 and 4 of  
8 said order shall be stayed until such time as either 1) Defendant's attorneys file and serve notice that  
9 said stay shall be lifted or 2) both parties stipulate that said Paragraphs 2 and 4 shall be vacated.

10  
11 Dated: July 30, 2007

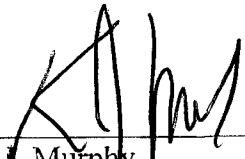
BUCHANAN INGERSOLL & ROONEY LLP  
  
By: Karineh Khachatourian  
Attorney for Plaintiff  
EAGLE BROADBAND, INC.

12  
13  
14  
15 Dated: July 30, 2007

The California Anti-SLAPP Project/  
The Law Office of Mark Goldowitz  
  
By: Mark Goldowitz  
Attorneys for Defendant  
Thomas Mould

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22 PURSUANT TO STIPULATION, IT IS SO ORDERED

23  
24  
25 DATED: 8-1-07

  
Kevin J. Murphy  
JUDGE OF THE SUPERIOR COURT

UCS

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2007 JUL 12 AM 9:24  
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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  
28

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*

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

5 4. Judgment Debtor Eagle shall, not later than 30 days after service of notice of  
6 entry of this order, post a bond pursuant to C.C.P. sections 1030 and 917.1(b), to cover fees  
7 already awarded plus interest, in the amount of \$69,601.31. Pursuant to C.C.P. section  
8 917.1(b), the undertaking shall be double that amount unless given by an admitted surety  
9 insurer, in which event it shall be for one and one-half times that amount.

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

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

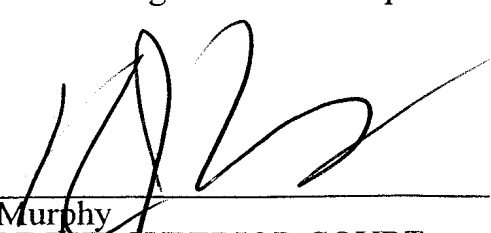
16 7. A copy of this order shall be personally served upon the judgment debtor.

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

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

21 IT IS SO ORDERED.

22  
23 DATED: 7-12-07

  
\_\_\_\_\_  
Kevin J. Murphy  
JUDGE OF THE SUPERIOR COURT