

1 my remaining 12,900 shares at \$.15 each. I currently own no shares in Eagle Broadband.

2 5. I have never sold short any shares in Eagle Broadband, or any other company. I
3 have never profited or benefitted from a decline in the price of Eagle Broadband stock, nor have
4 I participated in any scheme, plan, or conspiracy to drive down the price of Eagle Broadband
5 shares. In fact, my investment in Eagle Broadband stock has resulted in significant financial
6 losses in the amount of \$63,922.51, including nearly the entire value of a rollover IRA that was
7 for my retirement. Plaintiff's assertions that I wanted its stock price to decline and posted
8 messages on the Yahoo! message board to cause a price decline could not be more wrong. It is,
9 and always has been, in my best interest for Eagle shares to increase in value. That is why I
10 bought them.

11 6. Since late 1999, I have carefully followed Eagle Broadband's performance. I have
12 reviewed all of its filings with the SEC since that time, press releases and other information
13 provided by Eagle on its website, listened to conference calls between the company and
14 investors, and have read news reports regarding Eagle Broadband.

15 7. Since 2000, I have also read the Yahoo! Finance message board for Eagle
16 Broadband. This message board, like others on Yahoo!, is a place where people who have an
17 opinion about this stock can post that opinion. It is an online chat room with a predefined
18 subject matter. I have periodically posted messages on the Eagle Broadband message board.
19 The only user name under which I have posted messages was benderanddundat@yahoo.com. I
20 did not make any posts to the Yahoo! Finance message board for Eagle Broadband in connection
21 with my business, or to promote transactions in, or in the course of delivering, goods or services.
22 I have never been informed by Yahoo! that anyone has complained to it about any messages
23 which I have posted to the Eagle Broadband message board, nor have I ever received a Terms of
24 Service warning or violation from Yahoo! regarding the Eagle message board, or about any
25 messages which I have posted to any other Yahoo! message board. Yahoo! has never informed
26 me that it has placed any restrictions on my ability to use the Yahoo! Eagle Broadband message
27 board or any other Yahoo! message board.

28 8. In my experience, Yahoo! Finance message board posts are not considered a

1 reliable source of information. Indeed, at the bottom of every Yahoo! discussion page message
2 appears this notice:

3 Reminder: This board is not connected with the company. These messages are only the
4 opinion of the poster, are no substitute for your own research, and should not be relied
5 upon for trading or any other purpose. Never assume that you are anonymous and cannot
6 be identified by your posts. Please read our Terms of Service. For more information
7 regarding investments and the Internet, please visit the SEC Web site.

8 Indeed, if you click on the SEC link provided at the bottom of every Yahoo! discussion page,
9 you are connected to the SEC's official website and receive a detailed and explicit warning
10 about relying on message boards as a source of information, including: "The Internet serves as
11 an excellent tool for investors, allowing them to easily and inexpensively research investment
12 opportunities. But the Internet is also an excellent tool for fraudsters. That's why you should
13 always think twice before you invest your money in any opportunity you learn about through the
14 Internet." (See Exhibit G to Clifford Suppl.Decl.)

15 9. On January 24, 2005, I posted message number 508992 to the Yahoo! Finance
16 message board for Eagle Broadband. This message contains my opinion of Eagle's financial
17 condition and prospects for the future, based on my reading of Eagle's SEC filings, information
18 which it publicly announced, as well as news reports regarding Eagle Broadband, its competitors
19 and market over a five year period as a long-term shareholder. The intent of my posting on the
20 Yahoo! Finance message board was to provide my thoughtful opinion and relevant information
21 related to topics being discussed on the message board.

22 10. I understand that Eagle claims that message number 508992, which I posted on
23 January 24, 2005, caused its share price to decrease from \$.56 to \$.51. Eagle claims that my
24 message was the cause of a 10% drop in its share price. (Flaherty Decl., ¶ 24, lines 9-19.)
25 Surprisingly, Eagle and its purported "trading expert" have ignored a critical fact: Eagle filed an
26 SEC Form S-3 registering an additional 30 million shares for sale at a "proposed maximum
27 price" of \$.58 on Friday, January 21, 2005, after the close of trading on the trading day before I
28 posted message number 508992 (January 24, 2005, a Monday). (See Exhibit K to Clifford
Suppl.Decl., p. 2.) Since there were 225,491,457 shares outstanding on January 21, 2005 (see
Exhibit K to Clifford Suppl.Decl., p. 6), the issuance of 30,000,000 shares is a dilution of

1 approximately 13% of shareholder value. The first trading day in which the market could react
2 to that dilution was Monday, January 24, the day of my post.

3 11. In its January 21, 2005, SEC Form S-3, by which it was registering 30,000,000
4 shares for sale, Eagle states, “Our stock price has fluctuated intensely in the past, and
5 stockholders face the possibility of future fluctuations in the price of our common stock. . . . The
6 market price of our common stock has been volatile in the last 12 months and may continue to be
7 volatile.” (See Exhibit K to Clifford Suppl.Decl., p. 9.) Eagle recognized the effect which the
8 additional shares might have on its share price by stating:

9 “This prospectus relates to the sale or distribution of up to 30,000,000 shares of our
10 common stock by us. The sales of these shares, or even the *possibility* of the sale, may
11 adversely affect the trading market for our common stock and reduce the price availability
12 in that market. Additionally, the future sale or distribution of substantial amounts of our
13 shares of common stock could impair our ability to raise capital through future sales of
14 our equity securities.”

15 (See Exhibit K to Clifford Suppl.Decl., p. 10 [emphasis added].)

16 12. In its December 2, 2004, SEC Form S-3, by which it was registering 10,000,000
17 shares of stock for sale, Eagle recognized the downward pressure which the dilution of the
18 shares might have, stating:

19 “Shares eligible for future sale may adversely affect the market price of our common
20 stock. The 10,000,000 shares, the resale of which is being registered hereunder, may be
21 resold by the selling stockholders into the public market pursuant to this prospectus.
22 Further sales of shares of our common stock, or the *perception* that such sales may occur,
23 could adversely affect the market price of our common stock. We recently registered the
24 resale of an aggregate of 10,033,163 shares of common stock in August 2004. In July
25 2004, we registered the resale of an aggregate of 15,952,438 shares of common stock.
26 We believe that such shares have been resold, a market perception that these shares have
27 not been resold could have a depressive effect on the price of our common stock. A
28 depressed stock price could impair our ability to raise capital through the sale of equity
securities.”

(See Exhibit O to Clifford Suppl.Decl., p. 9 [emphasis added].)

13 13. The most likely cause for the decline in Eagle’s stock on January 24, 2005, was
14 that Eagle had announced yet another very substantial dilution of its stock (13%) after the close
15 of trading on the trading day prior to my posting message number 508992, and not my message,
16 which was one of hundreds posted about Eagle on January 24, 2005.

17 14. In fact, the intra-day trading data for Eagle’s stock shows that the decline in price

1 on January 24, 2005, happened *before* my post. When trading in Eagle’s stock opened on
2 January 24, 2005, the price of its shares declined from \$.56 to \$.49 per share (a 12.5% decrease)
3 just before I posted my message. After I posted message number 508992, the price of Eagle’s
4 stock actually rose from \$.49 to \$.51 (a 4% increase) on that day. Attached hereto as Exhibit D
5 is a spreadsheet which shows a minute-by minute record of Eagle’s share price on January 24,
6 2005. I purchased the data set forth in Exhibit D from a company named TickData, a division of
7 Nexa Technologies, Inc., through its website located at www.nexatech.com. (See Exhibit N to
8 Clifford Suppl.Decl.) Its website indicates that it has been doing business for over twenty years.
9 The list of equities for which TickData provides data is located at
10 <http://www.tickdata.com/StocksbyCompany.html>. TickData also provides an explanation of
11 “data scrubbing” and why its data is so clean and reliable, located at
12 <http://www.tickdata.com/EquityScrubbing.html>. TickData also provides a “user’s manual”
13 which is located at <http://www.tickdata.com/SupportTickWriteMan.html>. On February 10,
14 2006, I went to TickData’s website and ordered the historical trading data for Eagle Broadband.
15 TickData loads the data onto a secure FTP server from which one can download the purchased
16 data and provides a query tool that allows you to query specific data into a table format which
17 can be exported to Excel and other computer programs. I then used the query tool per the
18 instructions provided by TickData to export the data for January 24, 2005, to an Excel
19 spreadsheet. I added only the handwritten notes which indicate the time that I posted message
20 number 508992. Attached hereto as Exhibit E is a Nexa Technologies press release dated March
21 21, 2005, which I downloaded from the Nexa Technologies website. This press release
22 describes Nexa Technologies’ business.

23 15. My statement in my January 24, 2005, post that plaintiff “must pay Aggregate back
24 the \$10mm” was based on an SEC Form 8K filed by Eagle on August 27, 2003, and news
25 releases by plaintiff and others that plaintiff had borrowed \$10 million from Aggregate
26 Networks, LLC. (See Exhibits L and M to Clifford Suppl.Decl.) After the very public
27 announcement of the loan from Aggregate, I do not recall reading anywhere that plaintiff had
28 repaid, or otherwise disposed of, the loan. As disposing of this loan would be good news for the

1 company, I would expect such to be announced at least as prominently as was the loan.

2 16. My statement that Eagle was “out of cash” in my January 24, 2005, post which was
3 part of the general statement that “They are out of cash, sales, and time”, was based on the
4 following:

5 a. At the close of its fiscal year 2000 (the year I became an Eagle shareholder),
6 Eagle had a significant cash balance of \$32 million and liabilities of \$3,580,000. (See Exhibit H
7 to Clifford Suppl.Decl., p. 3.) In its SEC filing just before I wrote message number 508992,
8 Eagle reported that it had cash, cash equivalents and securities available for sale of only
9 \$474,000 and liabilities of over \$17 million. (See Exhibit I, to Clifford Suppl.Decl., p. 3.) Eagle
10 also reported a negative gross profit for the First Quarter (-\$157,000). This meant that Eagle’s
11 sales were not even covering their direct product costs and there was no margin to help cover
12 operating expenses, much less liabilities that had already accrued and any debt service
13 requirements.

14 b. From the end of Eagle’s fiscal year 2000 (the year I became an Eagle
15 shareholder), to my posting of message number 508992, Eagle’s “current assets” had decreased
16 from \$49,306,000 to \$4,311,000. (See Exhibits H and I to Clifford Suppl.Decl., pp. 3 and 3,
17 respectively.) From the end of fiscal year 2001 to the end of fiscal year 2004, Eagle’s
18 accumulated deficit increased from \$4,358,063 to \$157,106,000. (See Exhibit Z to Clifford
19 Suppl.Decl., p. 24 and Exhibit A to Clifford Decl., p. 29.)

20 c. Additionally, on December 29, 2004, just over three weeks before my post,
21 Eagle amended its previous SEC Form 10K for the fiscal year ended August 31, 2004, revealing
22 that on December 10, 2004, Eagle had become liable for at least \$1,680,000 to insiders because
23 it had guaranteed them a certain profit when they exercised stock options and the share price was
24 too low to generate the guaranteed profits. (See Exhibit J, to Clifford Suppl.Decl., p. 11.)

25 d. On January 21, 2005, after the close of trading, Eagle filed documents with
26 the SEC indicating that it intended to issue an additional 30,000,000 shares. (See Exhibit K to
27 Clifford Suppl.Decl..) In its January 21, 2005, SEC Form S-3, Eagle states:

28 “Investing in our stock involves a high degree of risk. . . . We have a history of operating

1 losses and may never achieve profitability. . . . We anticipate that we will incur losses
2 from operations for the current fiscal year. We will need to generate sufficient revenues
3 and control expenses to achieve profitability. Our future revenues may never exceed
4 operating expenses, thereby making the continued viability of our company dependent
5 upon raising additional capital. . . . As we have not generated positive cash flow from
6 operations for the past three fiscal years, our ability to continue operations is dependent
7 on our ability to either begin to generate positive cash flow from operations or our ability
8 to raise capital from outside sources. We have not generated positive cash flow from
9 operations during the last three fiscal years and we currently rely on external sources of
10 capital to fund operations. At November 30, 2004, we had approximately \$474,000 in
11 cash, cash equivalents and securities available for sale, and a working capital deficit of
12 approximately \$13,490,000. Our net cash used by operations for the three months ended
13 November 30, 2004, was approximately \$870,000.”

14 (See Exhibit K to Clifford Suppl.Decl., p. 7.) That is, Eagle published in its own filing that its
15 “cash burn rate” (net cash used by operations) for the quarter just ended was greater than its
16 remaining cash, cash equivalents and securities available for sale. Furthermore, Eagle no longer
17 had a positive working capital base to ensure the availability of the cash needed for the business.
18 By Eagle’s own published and sworn analysis of its situation and its prescriptive solution
19 (issuing more shares for cash), Eagle *needed cash* at the time of my post on January 24, 2005.

20 e. In addition to declining sales, negative gross profits, a cash balance (cash,
21 cash equivalents and securities available for sale) smaller than their reported quarterly “cash
22 burn rate”, negative working capital, and the recently revealed promissory note obligations,
23 Eagle was also faced with many unresolved legal issues and litigation, meaning that it was faced
24 with more legal fees and potential losses if the litigation was resolved against Eagle. (See
25 Exhibit I, to Clifford Suppl.Decl., pp. 15-16.)

26 f. At the close of its fiscal year 2000 (the year I became an Eagle shareholder),
27 Eagle had 25,609,000 shares of common stock outstanding. (See Exhibit H to Clifford
28 Suppl.Decl., p. 6.) There were 147,447,000 shares outstanding as of August 31, 2003;
205,509,000 as of August 31, 2004; and 212,598,000 as of November 30, 2004. (See Exhibits I
and Z to Clifford Suppl.Decl., pp. 5 and 32, respectively.) It was clear to me that the company
was surviving by selling more and more stock, rather than on revenues and previous earnings
from its business. In fact, from the date of the last public quarterly filing that helped form the
basis of message number 508992 to the present, Eagle has issued an additional approximately 90
million shares. (See Exhibit I to Clifford Suppl.Decl., p. 3 and Exhibit X to Clifford

1 Suppl.Decl.) Apparently it believed that it was in need of cash and needed to obtain it from
2 somewhere other than sales (i.e., by selling more and more shares in the company). It does not
3 take an expert or a sophisticated stock analyst to understand that the more shares a company
4 issues without increasing its assets, the more its stock will decrease in value, an investment term
5 known as “dilution”. Attached hereto as Exhibit A is a chart which I prepared based on data
6 which I obtained from Eagle’s SEC filings for the relevant periods, which shows Eagle’s
7 accumulated deficit versus shares outstanding.

8 g. Attached hereto as Exhibits B and C are charts which I prepared based on
9 data which I obtained from Eagle’s SEC filings for the relevant periods, which charts show
10 Eagle’s sales and profit trend, and Eagle’s cash versus liabilities. These charts illustrate Eagle’s
11 desperate, and worsening, financial situation.

12 h. My statement in my January 24, 2005, post that Eagle was “out of cash”,
13 although perhaps a bit hyperbolic, was accurate from an accountant’s point of view—Eagle had
14 about one and one-half months’ worth of operating expenses on hand, and no significant
15 revenues, or prospects for revenues, and it was repeatedly announcing bad news, such as owing
16 money to insiders for guaranteed profits on options (see subparagraph e, above).

17 17. I believe that I have been sued in this lawsuit because I have been critical of Eagle
18 Broadband’s management and have encouraged shareholders to take legal action and to vote
19 their shares as they believed best for the shareholders, not as management wants, and because I
20 have publicly suggested a shareholders’ lawsuit. For example, on March 11, 2005, I posted a
21 message (number 559852) pointing out an apparent conflict of interest by the CEO of Eagle
22 Broadband, who was also chairman of the board of one of Eagle’s competitors, a competitor
23 which just happened to be taking business away from Eagle. (See Exhibit P to Clifford
24 Suppl.Decl.) On March 11, 2005, I also posted a message (number 560081) indicating that I had
25 consulted with an attorney regarding taking legal actions which would hold Eagle Broadband
26 accountable to its shareholders. I invited other interested shareholders to contact me and gave
27 my e-mail address. (See Exhibit Q to Clifford Suppl.Decl.) On March 12, 2005, I posted a
28 message (number 560258) requesting interested shareholders to contact me regarding taking

1 action to hold Eagle accountable. (See Exhibit R to Clifford Suppl.Decl.)

2 18. Less than three weeks before this lawsuit was filed I posted several messages
3 encouraging shareholders to vote against an issuance of *another* 15,000,000 shares, and to vote
4 against all of the board members except Dave Micek. I posted two such messages (numbers
5 679748 and 679750) on September 15, 2005 (see Exhibits S and T to Clifford Suppl.Decl.). On
6 September 25, 2005, less than two weeks prior to the filing of this lawsuit, I posted another such
7 message (number 682918) encouraging shareholders to vote against all of the board's proposals,
8 and against all board members except Dave Micek. (See Exhibit U to Clifford Suppl.Decl.) On
9 September 26, 2005, I posted a message (number 682982) which summarized the desperate
10 situation facing Eagle Broadband of a lack of sales, a lack of earnings, negative cash flow,
11 squandered opportunities, etc. My conclusion was that the company was hopeless. (See Exhibit
12 V to Clifford Suppl.Decl.)

13 19. I find it interesting, to say the least, that this lawsuit was filed on October 5, 2005,
14 less than two weeks before the October 18, 2005, shareholders meeting about which I had been
15 commenting. (See Exhibit W, to Clifford Suppl.Decl.) It appears to me that this lawsuit is an
16 effort by a financially troubled company to silence critics and a public relations ploy to create an
17 illusion that its management is looking out for shareholders' interests. I have been sued for
18 criticizing Eagle Broadband's management, for encouraging shareholders to actively vote their
19 shares and oppose further mismanagement of the company by the board and executives, and for
20 suggesting the possibility of a shareholders' suit, not because I committed any illegal act or
21 unlawfully damaged the company. In fact, Eagle admits that it did not even hire an expert to
22 examine the *possibility* of the purportedly illegal short sales which are the basis of its Complaint
23 until *after* this lawsuit was filed. (See Opp., 3:11-12.)

24 20. Although I had posted my e-mail address on several occasions in messages which I
25 posted on the Yahoo! Finance Eagle Broadband message board, Eagle Broadband did not
26 contact me in any way regarding my messages or the basis for my comments.

27 21. Since being told that Yahoo! had been notified that I was being sued, I, my wife,
28 my children and our family collectively have suffered extremely. Eagle's lawsuit against me

1 could not have come at a worse time. My wife has been battling metastasized colon cancer for
2 four years and had recently finished a second round of chemotherapy in July. We have three
3 young children. The immense amount of emotional, mental, and physical pain and suffering
4 brought on by this lawsuit have taken a grave toll. Eagle's lawsuit has adversely affected our
5 health, relationship, ability to sleep, emotional state, time, focus, parenting, and finances. I
6 declare under penalty on perjury under the laws of the State of California that the foregoing is
7 true and correct.

8 Dated: February 14, 2006

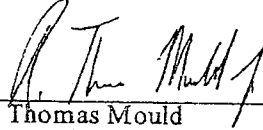
9 Roy Thomas Mould

10 EXHIBITS TO THIS DECLARATION:

- 11 A. Eagle's accumulated deficit versus shares outstanding
12 B. Eagle's sales and profit trend
13 C. Eagle's cash versus liabilities
14 D. Minute-by minute record of Eagle's share price on January 24, 2005
15 E. Nexa Technologies press release, 3/21/05
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EXHIBIT A

Accum Deficit / Share Outstanding

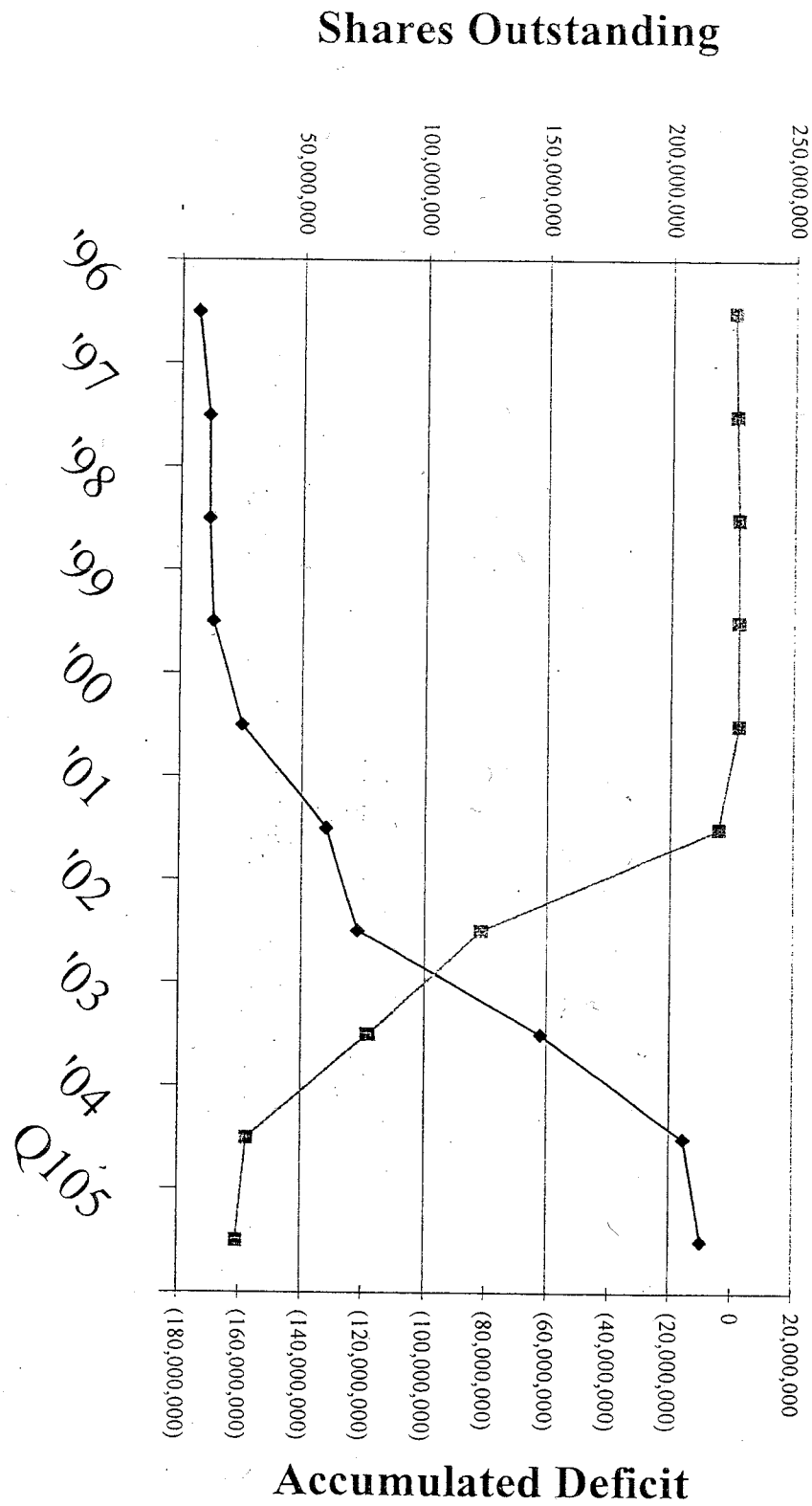


EXHIBIT B

Sales & Gross Profit Trend

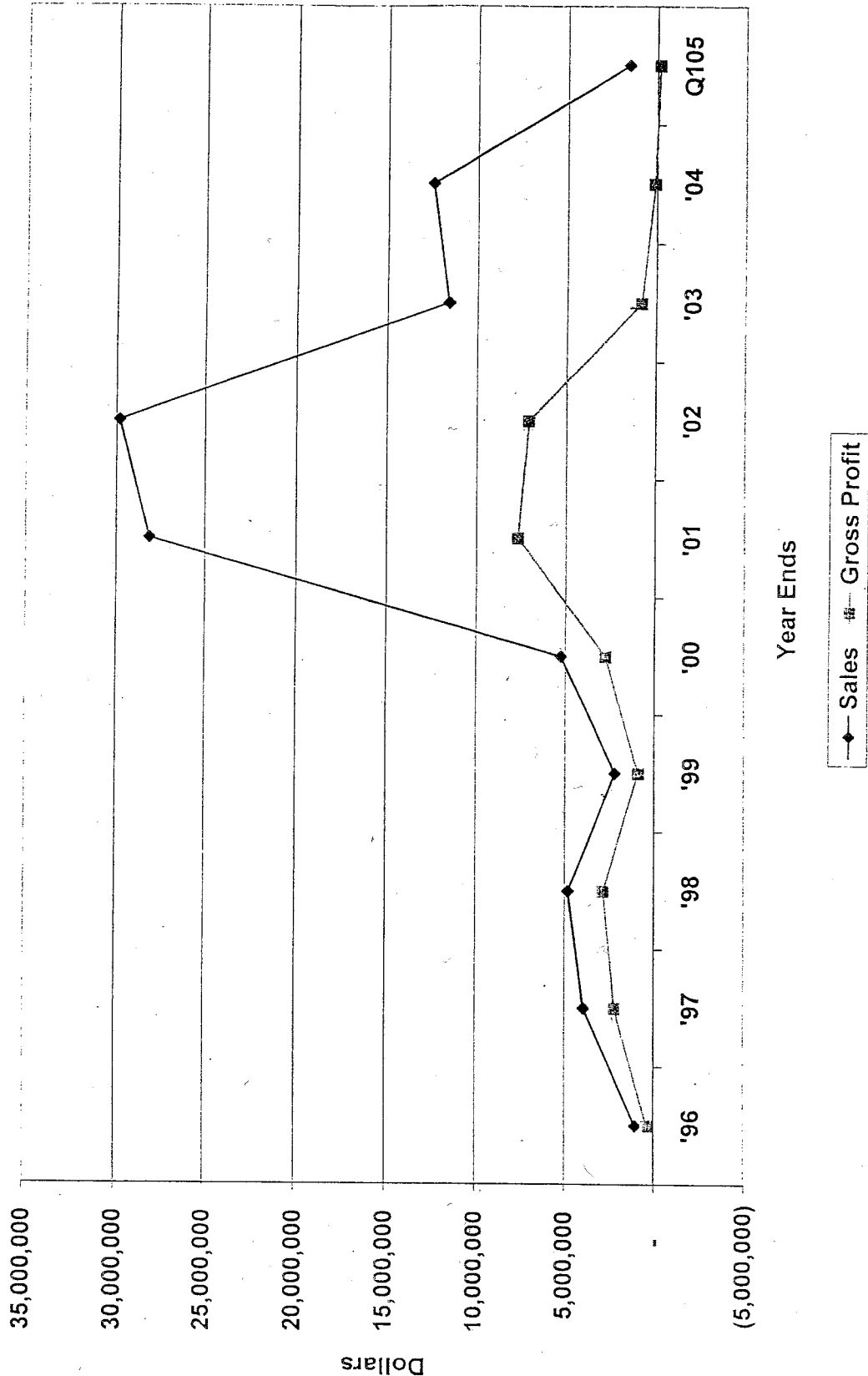


EXHIBIT C

Cash vs Liabilities

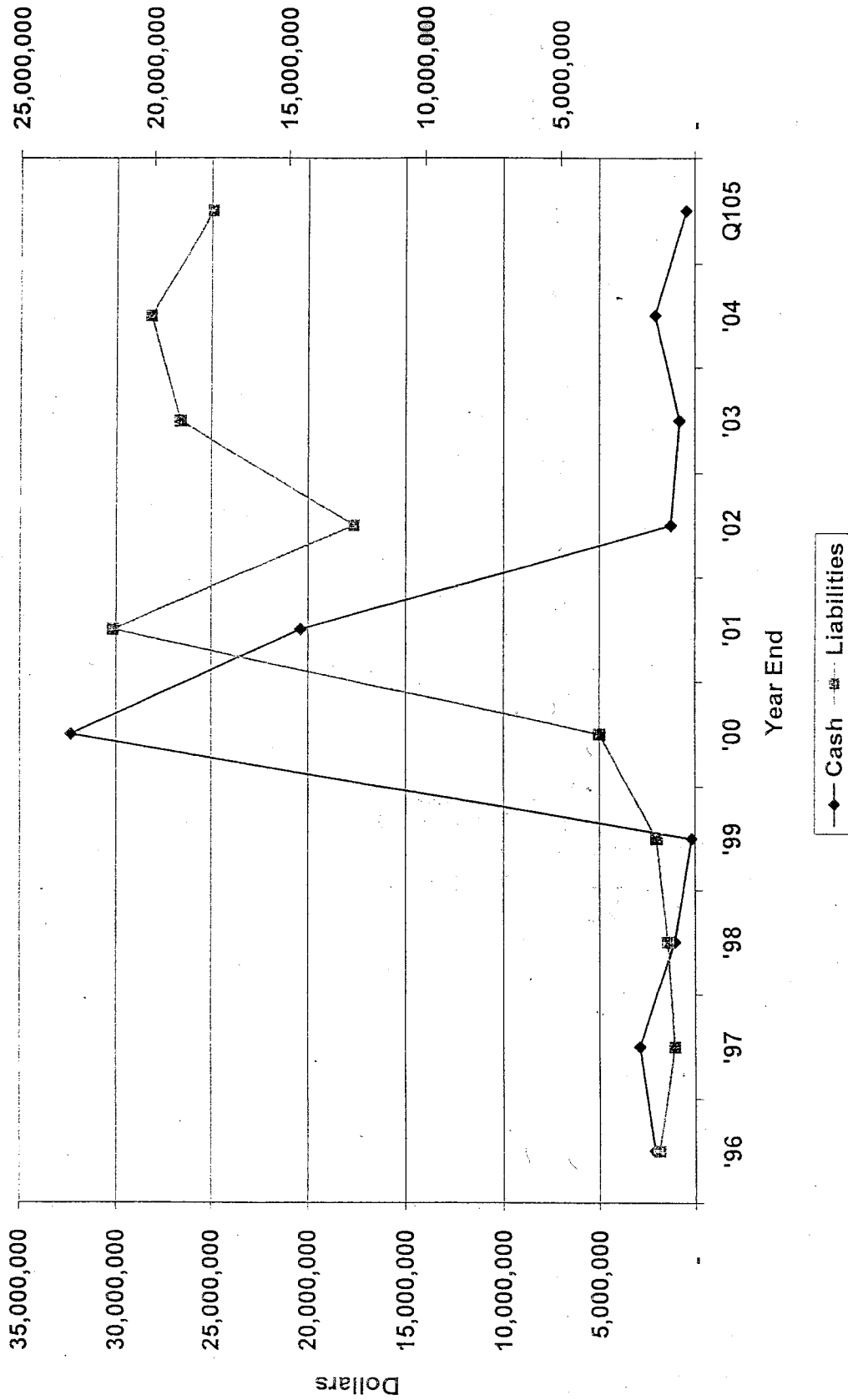


EXHIBIT D

Eag - Intraday 1 -minute bars

TICKER	DATE	TIME	OPEN	HIGH	LOW	CLOSE
EAG	1/24/2005	9:37:00	0.56	0.56	0.55	0.56
EAG	1/24/2005	9:38:00	0.55	0.56	0.55	0.55
EAG	1/24/2005	9:39:00	0.55	0.55	0.54	0.54
EAG	1/24/2005	9:40:00	0.55	0.55	0.54	0.54
EAG	1/24/2005	9:41:00	0.54	0.54	0.53	0.53
EAG	1/24/2005	9:42:00	0.54	0.54	0.52	0.52
EAG	1/24/2005	9:43:00	0.52	0.53	0.52	0.52
EAG	1/24/2005	9:44:00	0.52	0.53	0.51	0.52
EAG	1/24/2005	9:45:00	0.52	0.52	0.51	0.52
EAG	1/24/2005	9:46:00	0.51	0.53	0.51	0.53
EAG	1/24/2005	9:47:00	0.52	0.53	0.52	0.53
EAG	1/24/2005	9:48:00	0.53	0.53	0.52	0.53
EAG	1/24/2005	9:49:00	0.53	0.54	0.53	0.53
EAG	1/24/2005	9:50:00	0.53	0.54	0.53	0.54
EAG	1/24/2005	9:51:00	0.54	0.54	0.53	0.54
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EAG	1/24/2005	10:42:00	0.53	0.53	0.53	0.53
EAG	1/24/2005	10:43:00	0.53	0.53	0.53	0.53
EAG	1/24/2005	10:44:00	0.53	0.53	0.53	0.53
EAG	1/24/2005	10:45:00	0.52	0.53	0.52	0.53
EAG	1/24/2005	10:46:00	0.53	0.53	0.53	0.53
EAG	1/24/2005	10:47:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	10:49:00	0.53	0.53	0.53	0.53
EAG	1/24/2005	10:51:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	10:52:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	10:54:00	0.52	0.53	0.52	0.53
EAG	1/24/2005	10:55:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	10:56:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	10:57:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	10:58:00	0.52	0.52	0.52	0.52

SEE 3RD PAGE WHERE
 TIMING OF MY POST IS,
 NOTICE EAGLE IS DROPPING
 FROM OPEN ALL THE WAY TO
 MY POST.

Eag - Intraday 1 -minute bars

TICKER	DATE	TIME	OPEN	HIGH	LOW	CLOSE
EAG	1/24/2005	11:00:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:01:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:02:00	0.52	0.53	0.52	0.53
EAG	1/24/2005	11:04:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:08:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:09:00	0.53	0.53	0.52	0.52
EAG	1/24/2005	11:11:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:12:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:14:00	0.52	0.53	0.52	0.53
EAG	1/24/2005	11:15:00	0.53	0.53	0.53	0.53
EAG	1/24/2005	11:16:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:17:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:18:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:20:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:21:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:22:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:23:00	0.52	0.53	0.52	0.52
EAG	1/24/2005	11:25:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:26:00	0.53	0.53	0.53	0.53
EAG	1/24/2005	11:27:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:29:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:30:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:36:00	0.53	0.53	0.52	0.52
EAG	1/24/2005	11:37:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:39:00	0.52	0.52	0.51	0.52
EAG	1/24/2005	11:40:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	11:42:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	11:43:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	11:45:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	11:46:00	0.51	0.519	0.51	0.519
EAG	1/24/2005	11:47:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:48:00	0.52	0.52	0.51	0.52
EAG	1/24/2005	11:49:00	0.52	0.52	0.519	0.52
EAG	1/24/2005	11:50:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:56:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:57:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	11:58:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:00:00	0.51	0.52	0.51	0.52
EAG	1/24/2005	12:05:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:06:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:09:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:10:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:13:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:14:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:15:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:16:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:17:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:18:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:19:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:23:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	12:24:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:25:00	0.52	0.52	0.51	0.52
EAG	1/24/2005	12:26:00	0.51	0.52	0.51	0.52
EAG	1/24/2005	12:27:00	0.52	0.52	0.51	0.52
EAG	1/24/2005	12:28:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:32:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:33:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:34:00	0.51	0.52	0.51	0.52
EAG	1/24/2005	12:35:00	0.51	0.52	0.51	0.52
EAG	1/24/2005	12:36:00	0.52	0.52	0.51	0.51
EAG	1/24/2005	12:37:00	0.52	0.52	0.52	0.52
EAG	1/24/2005	12:38:00	0.52	0.52	0.51	0.51
EAG	1/24/2005	12:39:00	0.52	0.52	0.51	0.52
EAG	1/24/2005	12:40:00	0.51	0.52	0.51	0.51
EAG	1/24/2005	12:41:00	0.51	0.52	0.51	0.51
EAG	1/24/2005	12:42:00	0.52	0.52	0.51	0.51
EAG	1/24/2005	12:43:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	12:44:00	0.51	0.51	0.5	0.51
EAG	1/24/2005	12:45:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	12:46:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	12:48:00	0.51	0.51	0.5	0.5
EAG	1/24/2005	12:50:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	12:51:00	0.51	0.51	0.5	0.5
EAG	1/24/2005	12:52:00	0.5	0.51	0.5	0.51
EAG	1/24/2005	12:53:00	0.5	0.5	0.5	0.5

Eag - Intraday 1 -minute bars

TICKER	DATE	TIME	OPEN	HIGH	LOW	CLOSE
EAG	1/24/2005	12:54:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	12:55:00	0.5	0.503	0.5	0.5
EAG	1/24/2005	12:56:00	0.5	0.51	0.5	0.51
EAG	1/24/2005	12:57:00	0.5	0.51	0.5	0.5
EAG	1/24/2005	12:58:00	0.5	0.51	0.5	0.5
EAG	1/24/2005	12:59:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	13:00:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	13:01:00	0.5	0.51	0.5	0.5
EAG	1/24/2005	13:02:00	0.51	0.51	0.5	0.5
EAG	1/24/2005	13:03:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	13:04:00	0.5	0.5	0.49	0.5
EAG	1/24/2005	13:05:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	13:06:00	0.5	0.5	0.49	0.49
EAG	1/24/2005	13:08:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:09:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	13:10:00	0.5	0.5	0.49	0.49
EAG	1/24/2005	13:11:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:13:00	0.49	0.5	0.49	0.49
EAG	1/24/2005	13:14:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:15:00	0.49	0.49	0.48	0.49
EAG	1/24/2005	13:16:00	0.49	0.49	0.48	0.48
EAG	1/24/2005	13:17:00	0.49	0.49	0.48	0.48
EAG	1/24/2005	13:19:00	0.48	0.48	0.48	0.48
EAG	1/24/2005	13:20:00	0.48	0.49	0.48	0.48
EAG	1/24/2005	13:21:00	0.49	0.49	0.48	0.48
EAG	1/24/2005	13:22:00	0.49	0.49	0.48	0.48
EAG	1/24/2005	13:24:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:25:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:26:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:27:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:28:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:29:00	0.5	0.5	0.49	0.49
EAG	1/24/2005	13:30:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:31:00	0.5	0.5	0.49	0.49
EAG	1/24/2005	13:32:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:33:00	0.49	0.5	0.49	0.49
EAG	1/24/2005	13:34:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:35:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:36:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:37:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:39:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:40:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:42:00	0.491	0.491	0.491	0.491
EAG	1/24/2005	13:45:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:46:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:47:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:48:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:50:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:51:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:52:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:53:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:54:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:55:00	0.49	0.49	0.48	0.48
EAG	1/24/2005	13:56:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:57:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:58:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	13:59:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:00:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:01:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:02:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:03:00	0.49	0.5	0.49	0.5
EAG	1/24/2005	14:04:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	14:05:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:06:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:07:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:08:00	0.49	0.5	0.49	0.5
EAG	1/24/2005	14:09:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	14:10:00	0.5	0.51	0.5	0.5
EAG	1/24/2005	14:11:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	14:12:00	0.5	0.51	0.5	0.51
EAG	1/24/2005	14:13:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	14:14:00	0.5	0.5	0.49	0.49
EAG	1/24/2005	14:16:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:20:00	0.5	0.5	0.49	0.49
EAG	1/24/2005	14:22:00	0.49	0.49	0.49	0.49

← my POST HERE EAG HAS FALLEN FROM .56 to .49 BEFORE my POST.

(A) my POST EAG = .49

(a) CLOSING EAG = .51

UP > 40% AFTER my POST!

Eag - Intraday 1 -minute bars

TICKER	DATE	TIME	OPEN	HIGH	LOW	CLOSE
EAG	1/24/2005	14:23:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:24:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:26:00	0.49	0.5	0.49	0.5
EAG	1/24/2005	14:27:00	0.49	0.49	0.49	0.49
EAG	1/24/2005	14:28:00	0.49	0.5	0.49	0.5
EAG	1/24/2005	14:29:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	14:30:00	0.5	0.5	0.49	0.5
EAG	1/24/2005	14:31:00	0.5	0.5	0.49	0.5
EAG	1/24/2005	14:32:00	0.5	0.51	0.5	0.51
EAG	1/24/2005	14:33:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	14:34:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	14:35:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	14:36:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	14:37:00	0.501	0.501	0.501	0.501
EAG	1/24/2005	14:42:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	14:44:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	14:47:00	0.509	0.51	0.509	0.51
EAG	1/24/2005	14:48:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	14:49:00	0.51	0.52	0.51	0.51
EAG	1/24/2005	14:51:00	0.5	0.51	0.5	0.51
EAG	1/24/2005	14:52:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	14:54:00	0.5	0.51	0.5	0.51
EAG	1/24/2005	14:56:00	0.5	0.502	0.5	0.502
EAG	1/24/2005	14:58:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:03:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:04:00	0.5	0.502	0.5	0.502
EAG	1/24/2005	15:05:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:06:00	0.5	0.502	0.5	0.5
EAG	1/24/2005	15:07:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:08:00	0.5	0.501	0.5	0.5
EAG	1/24/2005	15:10:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:12:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:13:00	0.5	0.51	0.5	0.51
EAG	1/24/2005	15:14:00	0.51	0.51	0.5	0.5
EAG	1/24/2005	15:15:00	0.5	0.51	0.5	0.5
EAG	1/24/2005	15:16:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:17:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:18:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:19:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:20:00	0.5	0.5	0.49	0.49
EAG	1/24/2005	15:21:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:22:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:23:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:24:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:25:00	0.495	0.495	0.495	0.495
EAG	1/24/2005	15:27:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:28:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:30:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:32:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:34:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:36:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:37:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:38:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:39:00	0.5	0.5	0.49	0.49
EAG	1/24/2005	15:40:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:41:00	0.5	0.5	0.49	0.5
EAG	1/24/2005	15:42:00	0.5	0.5	0.49	0.5
EAG	1/24/2005	15:43:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:44:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:45:00	0.5	0.5	0.49	0.5
EAG	1/24/2005	15:46:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:47:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:48:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:49:00	0.51	0.51	0.51	0.51
EAG	1/24/2005	15:55:00	0.51	0.51	0.5	0.5
EAG	1/24/2005	15:56:00	0.5	0.5	0.5	0.5
EAG	1/24/2005	15:57:00	0.51	0.51	0.5	0.5
EAG	1/24/2005	15:58:00	0.51	0.51	0.5	0.5
EAG	1/24/2005	15:59:00	0.5	0.51	0.5	0.5
EAG	1/24/2005	16:00:00	0.5	0.51	0.5	0.51

← EAGLE CLOSES @ - 51
 A 4% INCREASE SUBSEQUENT
 TO MY POST

EXHIBIT E



FOR IMMEDIATE RELEASE

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Tick Data Division of Nexa Technologies Introduces New London Stock Exchange Historical Trade and Quote Data Product

Extension of Tick Data Product Offering Enables High Frequency Trading Customers To Back-Test Trading Strategies on Markets Outside North America

Irvine, California, 21 March 2005 – Tick Data, the specialist historical data division of Nexa Technologies, Inc., today announced it is expanding its data offering to include trade and quote data from the London Stock Exchange (LSE). The agreement with London's premier equity and financial derivatives exchange extends Tick Data's equity coverage beyond the current database sourced from the New York Stock Exchange (NYSE), NASDAQ and AMEX. The move will enable retail and institutional traders, hedge funds, and quantitative trading desks to back-test their trading strategies and evaluate order execution in European equity markets.

The distribution agreement with the LSE, which came into effect on February 8, 2005, is the first in a series of initiatives to globalize Tick Data's Tick Equity Database. Tick Data's historical data products are currently used by many of the world's largest financial institutions and thousands of professional traders worldwide. In January 2005, Penson Worldwide acquired Tick Data, Inc. and merged it with Nexa Technologies, Penson's trading technology subsidiary. The acquisition advances Nexa's commitment to servicing the diverse requirements of the global automated trading community. It extends Nexa's suite of next-generation trading solutions beyond the online, direct access and institutional brokerage trading solutions arenas to include research-quality historical intraday time series data.

David Lester, Chief Information Officer, London Stock Exchange, says: "We are delighted to provide Nexa Technologies' Tick Data clients with access to the LSE's high frequency historical data. By coupling our data with Nexa's online and direct access trading solutions and value-add Tick Data analytical and database expertise, a wider community of hedge funds and high-

frequency trading operations will experience the trading possibilities on the LSE, promoting greater liquidity on a global scale."

Eric Stoop, President, Nexa Technologies, Inc., says: "Our agreement with the LSE marks the first step in broadening the scope of the Tick Data product line to include global equity data. It perfectly illustrates how the suite of Nexa and Tick Data products compliment each other. By combining Tick Data's products with our existing real-time data feed and deploying them seamlessly within our Direct Market Access trading platforms, we are able to offer our clients unprecedented access to historical and real-time information for their model-building, trading, and order execution evaluation."

Neal Falkenberry, SVP Tick Data Division, Nexa Technologies, Inc., adds: "By delivering historical data from the LSE in a 'ready to use' format, we have eliminated most of the challenges of building and maintaining a large, high-frequency database. We deliver data with all necessary corporate actions applied and verified. Our proprietary algorithms for filtering and cleaning high frequency data give clients immediate access to clean data and remove the need for additional verification. It is only logical to apply our expertise to equity markets outside of the United States, and we are excited to be the first firm to offer this product."

About Nexa Technologies: www.nexatech.com

Nexa Technologies, Inc., is a provider of online and direct access trading solutions. Its comprehensive product set incorporates multi-asset direct access trading systems, an Order Management System (OMS), comprehensive data and market access to European & North American equity, options and derivatives exchanges and ECNs.

Founded in 1999, Nexa Technologies is an independent subsidiary of Penson Worldwide, Inc. Nexa has over 100,000 active retail and professional users throughout North America and Europe. It manages up to 200,000 transactions/day and hosts more than 500,000 customer accounts globally.

Nexa Technologies added historical intraday time series data into its product range in January 2005 when Penson Worldwide acquired Tick Data, Inc. The Tick Data division, which provides the cleanest, most reliable historical intraday time series data available on the equities markets, includes proprietary compression algorithms, price-filtering techniques, and ticker symbol mapping processes used to produce complete, research-ready historical data. From efficient data collection and distribution to seamless integration with third-party analytical software, the Tick Data division removes the frustration from building and maintaining an historical database.

About the London Stock Exchange: www.londonstockexchange.com

The London Stock Exchange is one of the world's oldest stock exchanges and can trace its history back more than 300 years. Starting life in the coffee houses of 17th century London, the Exchange quickly grew to become the City's most important financial institution. Over the centuries following, the Exchange has consistently led the way in developing a strong, well-regulated stock market and today lies at the heart of the global financial community. Its business focuses on four core areas Equity markets, Trading services, Market information and Derivatives.

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