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EAGLE BROADBAND, INC.  
7

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.

CASE NO. 1-05-CV-050179

**PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS TO  
DEFENDANT DOE 2, SET ONE**

Complaint filed: October 5, 2005

17 PROPOUNDING PARTY: Plaintiff EAGLE BROADBAND, INC. ("Eagle")

18 RESPONDING PARTY: Defendant DOE 2, a/k/a "team\_3339"

19 SET NUMBER: ONE (1)

20 Pursuant to California Code of Civil Procedure Section 2031.010, Plaintiff EAGLE  
21 BROADBAND, INC. ("Eagle") requires that Defendant DOE 2, a/k/a "team\_3339" ("DOE 2")  
22 produce and permit Eagle to inspect and copy or cause to be copied the documents specified  
23 below. DOE 2 shall make such production within thirty (30) days of service hereof, at the  
24 offices of Gordon & Rees LLP, 275 Battery Street, Suite 2000, San Francisco, CA 94111, or  
25 such other place as shall be mutually agreed upon by the parties.

26 **INSTRUCTIONS**

27 1. Unless otherwise noted, this set of demands requires the production of documents  
28 or tangible things that were prepared, created, written, sent, dated or received at any time up to

1 the date of service of your response to these demands.

2 2. In producing documents or tangible things pursuant to these demands, please  
3 identify the following:

4 a. The paragraphs, paragraph or subparts of the demand to which  
5 each document or tangible thing corresponds; and

6 b. The location from which the document or tangible thing was  
7 produced, including address, file, drawer, or cabinet name and number.

8 3. If you withhold any document or tangible things under a claim of privilege, please  
9 furnish with your response to these demands the statement required by California Code of Civil  
10 Procedure Section 2031.240(b), identifying each document or tangible thing for which privilege  
11 is claimed, including the following information:

12 a. The date, sender, recipient, and subject matter of the document or  
13 tangible thing;

14 b. The relationship between the author and each of said recipients at  
15 the time the document or tangible thing was received by the recipient;

16 c. The basis upon which privilege is claimed;

17 d. The paragraphs, paragraph or subparts of the demand to which the  
18 document or tangible thing corresponds; and

19 e. The general description of the subject matter of the information contained  
20 in the document or tangible thing.

21 4. In the event that any requested document and tangible thing can be obtained from  
22 a computer or any other electronic media, such information should be printed out and provided,  
23 as well as provided on the media on which the information and programs that access it are stored  
24 are produced.

25 Unless specifically requested, duplicative originals or copies that are absolutely and  
26 totally identical to a produced document or tangible thing need not also be produced. However,  
27 any duplicate which is in any way different (e.g., contains notes or has missing material) must  
28 also be produced.

**DEFINITIONS**

As used herein, the terms specified below are defined as follows:

1. The terms "YOU," "YOUR" and "DOE 2" refer to Defendant DOE 2, a/k/a "team\_3339" in the above-entitled action, and any third party, representative, or agent acting on his/her/its behalf and/or any third party upon whose behalf he/she/it is acting upon.

2. "EAGLE BROADBAND," means plaintiff Eagle Broadband, Inc. and any of its predecessors, successors, assigns, agents, employees, officers, former employees, former officers, directors, affiliates, partners, subsidiaries, parent corporations, attorneys or other persons or entities acting on its behalf.

3. "EAGLE STOCK" means Plaintiff Eagle Broadband, Inc.'s common stock, which is listed on the American Stock Exchange under the symbol "AMEX:EAG" and/or "EAG."

4. The terms "DOCUMENT" and "DOCUMENTS" shall have the meaning employed in California Evidence Code Section 250, and also includes, without limitation; any written, recorded, filmed, or graphic matter, whether produced or reproduced on paper, cards, tapes, film, electronic media, facsimile, computer storage device, or any other media; including, without limitation, memoranda, notes, electronic mail ("e-mail"), minutes, records, employment files, case files, pleadings, photographs, slides, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, blueprints, drawings, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, notes, records and recordings of oral conversations, and work papers, and also including, without limitation, originals, drafts, and all copies that are different in any way from the original whether by interlineation, receipt stamp, notation, indication of copies sent or received, or otherwise.

5. "COMMUNICATION(S)" means any transfer of information, ideas, opinions or thoughts by any means, written, electronically, orally or otherwise, at any time or place under any circumstances and is not limited to transfers between persons and/or entities but includes other transfers, such as e-mails, instant messages, records and memoranda to file, any written letter, memorandum, or other document which was sent by one or more individuals and/or

1 entities to another or others; any DOCUMENT memorializing or reflecting a telephone call  
2 between one or more individual and another or others; and any DOCUMENT memorializing a  
3 conversation or meeting between one or more individuals and another.

4 6. "REFERRING TO" means constituting, containing, consisting of, comprising,  
5 embodying, summarizing, mentioning, memorializing, discussing, showing, commencing upon,  
6 or describing.

7 7. "ALL" means "any and all" and "each and every."

8 8. "And" and "or" as used herein shall be construed both conjunctively and  
9 disjunctively and shall include the other whenever such construction will serve to bring within  
10 the scope of these requests any information that would otherwise not be brought within their  
11 scope.

12 9. The singular shall, as used herein, shall include the plural, and the masculine shall  
13 include the feminine gender and neutral.

#### 14 REQUESTS FOR PRODUCTION

15 1. ALL DOCUMENTS sufficient to establish YOUR true legal name and identity,  
16 current mailing address, current residential addresses and place of employment.

17 2. ALL DOCUMENTS and COMMUNICATIONS REFERRING TO any and all  
18 Yahoo! Usernames, Yahoo! email addresses, Yahoo! User IDs and/or Yahoo! Profiles used by  
19 YOU, including but not limited to, "team\_3339" and "maestro3339."

20 3. ALL DOCUMENTS and COMMUNICATIONS REFERRING TO any  
21 complaints made about YOUR postings on the Yahoo! Finance Message Board for EAGLE  
22 BROADBAND.

23 4. ALL DOCUMENTS and COMMUNICATIONS REFERRING TO the Securities  
24 and Exchange Commission ("SEC") and EAGLE BROADBAND created, edited, revised, sent,  
25 received reviewed and/or authored by YOU.

26 5. ALL DOCUMENTS and COMMUNICATIONS REFERRING TO the American  
27 Stock Exchange ("AMEX") and EAGLE BROADBAND created, edited, revised, sent, received  
28 reviewed and/or authored by YOU.

1           6.     ALL YOUR financial records, including but not limited to YOUR pay stubs, pay  
2 checks, bank statements, and investment statements for the period of January 1, 2003 to the  
3 present.

4           7.     ALL DOCUMENTS and COMMUNICATIONS REFERRING TO any and all  
5 purchases, sales (including short sales and covers), trades, conversions and/or transfers of  
6 EAGLE STOCK by YOU or by YOU on behalf of another person or entity.

7           8.     ALL DOCUMENTS and COMMUNICATIONS REFERRING TO any and all  
8 agreements for the purchase, sale, trade, conversion, transfer and/or receipt of EAGLE STOCK  
9 by YOU or by YOU on behalf of another person or entity.

10          9.     ALL trading records REFERRING TO any and all purchases, sales (including  
11 short sales and covers), trades, conversions and/or transfers of EAGLE STOCK by YOU or by  
12 YOU on behalf of another person or entity.

13          10.    ALL brokerage account statements REFERRING TO any and all purchases, sales  
14 (including short sales and covers), trades, conversions and/or transfers of EAGLE STOCK by  
15 YOU or by YOU on behalf of another person or entity.

16          11.    ALL DOCUMENTS and COMMUNICATIONS REFERRING TO Eagle  
17 Broadband, Inc.'s MediaPro set-top box product.

18          12.    ALL DOCUMENTS and COMMUNICATIONS REFERRING TO Alltel  
19 Corporation, OnCommand and/or Samsung.

20          13.    ALL DOCUMENTS and COMMUNICATIONS REFERRING TO EAGLE  
21 STOCK.

22          14.    ALL emails, e-newsletters, blog entries, e-zines, newsletters, fliers, articles,  
23 internet postings, and message board postings reviewed or authored by YOU REFERRING TO  
24 EAGLE BROADBAND and/or EAGLE STOCK.

25          15.    ALL DOCUMENTS and COMMUNICATIONS REFERRING TO EAGLE  
26 BROADBAND and/or EAGLE STOCK reviewed and/or used by YOU to author or respond to  
27 posts on the Yahoo! Finance Message Board for EAGLE BROADBAND

28          16.    ALL DOCUMENTS and COMMUNICATIONS REFERRING TO posts made by

1 YOU on the Yahoo! Finance Message Board for EAGLE BROADBAND, created, edited,  
2 revised, sent, received reviewed and/or authored by YOU.

3 17. ALL posts by YOU on the Yahoo! Finance Message Board for EAGLE  
4 BROADBAND REFERRING TO EAGLE BROADBAND and/or EAGLE STOCK.

5 18. ALL posts by YOU on any and all Internet chat rooms and message boards other  
6 than on Yahoo! REFERRING TO EAGLE BROADBAND and/or EAGLE STOCK.

7 19. ALL DOCUMENTS and COMMUNICATIONS, including but not limited to  
8 drafts, that were created, edited, revised, sent, received, reviewed and/or authored by YOU  
9 REFERRING TO EAGLE BROADBAND and/or EAGLE STOCK.

10 20. ALL DOCUMENTS and COMMUNICATIONS, including but not limited to  
11 drafts, that were created, edited, revised, sent, received, reviewed and/or authored by YOU  
12 REFERRING TO team\_3339's February 15, 2005 posting on the Yahoo! Finance Message  
13 Board for EAGLE BROADBAND entitled "Heres [sic] the email exchange with Alltel,"  
14 attached to the Complaint filed in the above-entitled action as Exhibit B.

15 21. ALL DOCUMENTS and COMMUNICATIONS REFERRING TO any and all  
16 officers, directors, employees representatives and/or agents of ALLTELL Corporation, including  
17 but not limited to, Robert Clancy.

18 22. ALL DOCUMENTS and COMMUNICATIONS, including but not limited to  
19 drafts, that were created, edited, revised, sent, received, reviewed and/or authored by YOU  
20 REFERRING TO team\_3339's July 12, 2005 posting on the Yahoo! Finance Message Board for  
21 EAGLE BROADBAND entitled "IS THAT ONCOMMAND SAYING 'BOXLESS'", attached  
22 to the Complaint filed in the above-entitled action as Exhibit F.

23 23. ALL DOCUMENTS and COMMUNICATIONS, including but not limited to  
24 drafts, that were created, edited, revised, sent, received, reviewed and/or authored by YOU  
25 REFERRING TO team\_3339's July 13, 2005 posting on the Yahoo! Finance Message Board for

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1 EAGLE BROADBAND entitled "DIRECT FROM ONCOMMAND/SAMSUNG!", attached to  
2 the Complaint filed in the above-entitled action as Exhibit G.

3 Dated: April 14, 2006

GORDON & REES LLP

4  
5 By   
6 Jeffrey M. Ratinoff  
7 Attorneys for Plaintiff  
8 EAGLE BROADBAND, INC.

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