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8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SANTA CLARA

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

CASE NO. 1-05-CV-050179

**[PROPOSED] ORDER FOR A STAY  
PENDING PLAINTIFF EAGLE  
BROADBAND'S APPEAL OF ORDER  
GRANTING DEFENDANT THOMAS  
MOULD'S SPECIAL MOTION TO  
STRIKE**

Date: August 1, 2006  
Time: 9:00 a.m.  
Dept: 2  
Judge: Hon. William J. Elfving

Complaint filed: October 5, 2005

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21 This matter came for hearing on the date and time listed above, in Department 2 of the  
22 above-entitled Court. The Court, having considered all papers filed in favor of, and in opposition  
23 to, Plaintiff Eagle Broadband, Inc.'s Motion for a Stay Pending Appeal of Order Granting  
24 Defendant Thomas Mould's Special Motion to Strike, having heard oral argument of the parties,  
25 and all other matters presented to the Court and, for good cause appearing,

26 IT IS HEREBY ORDERED that Plaintiff's Application is GRANTED as follows:

27 1. Pursuant to Code of Civil Procedure Sections 128 and 918, all matters before the  
28 trial court relating to Plaintiff's appeal of the Court's March 7 Order Granting Doe 5's Special

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1 Motion to Strike are stayed pending that appeal. It is in the interest of judicial economy and to  
2 conserve the resources of the parties to have one single motion for attorney's fees, if necessary,  
3 heard at the conclusion of Plaintiff's appeal. As a result, Defendant DOE 5 a/k/a  
4 "benderandundat" a/k/a Thomas Mould ("Mould") right to file a motion for attorneys' fees is  
5 stayed during the pendency of Plaintiff's appeal of the Court's March 7 Order Granting Doe 5's  
6 Special Motion to Strike. However, proceedings related to the other defendants in the action are  
7 not affected by such a stay.

8 2. If Mould prevails on appeal of the Court's March 7 Order Granting Doe 5's  
9 Special Motion to Strike, he shall have thirty (30) days upon entry of the Court of Appeal's  
10 decision in which to file a motion for attorneys fees incurred pursuant to Code of Civil Procedure  
11 Section 425.16(c).

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13 DATED: \_\_\_\_\_, 2006

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16 JUDGE OF THE SUPERIOR COURT

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