

<p style="text-align: center;">CIVIL CASE INFORMATION STATEMENT</p> <p>COURT OF APPEAL, <u>Sixth</u> APPELLATE DISTRICT, DIVISION _____</p>	<p style="text-align: right;">Court of Appeal Case Number (if known):</p> <p style="text-align: center; font-size: 1.2em;">H030169</p>
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Mark Goldowitz, # 96418/Paul Clifford, # 119015 2903 Sacramento Street Berkeley, CA 94702</p> <p>TELEPHONE NO.: (510) 486-9123</p> <p>E-MAIL ADDRESS (Optional): pc@casp.net FAX NO. (Optional): (510) 486-9708</p> <p>ATTORNEY FOR (Name): Defendant Doe 4 a/k/a Richard Williams</p>	<p>FOR COURT USE ONLY</p> <p style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</p> <p style="font-size: 1.2em;">MAY 18 2006</p> <p>Court of Appeal - Sixth App. Dist.</p> <p>By _____</p> <p style="text-align: center;">DEPUTY</p>
<p>APPELLANT: Doe 4</p> <p>RESPONDENT: Eagle Broadband, Inc.</p>	
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</p> <p>STREET ADDRESS: 191 N. First Street</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE: San Jose, CA 95113</p> <p>BRANCH NAME:</p>	
<p>JUDGES (all who participated in case): William J. Elfving</p>	<p>Superior Court Case Number: 1-05-CV-050179</p>
<p>NOTE TO APPELLANT: You must file this form with the clerk of the Court of Appeal within 10 days after the clerk mails you a notice that this form must be filed. You must attach to this form (1) a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 2(c) for definition of "entered") and (2) proof of service of this form on all parties to the appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken ONLY to the appellate division of the superior court (Code Civ. Proc., § 904.2), or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).</p>	

PART I – APPEAL INFORMATION

A. APPEALABILITY

1. Appeal is from:
 - Judgment after jury trial
 - Judgment after court trial
 - Default judgment
 - Judgment after an order granting a summary judgment motion
 - Judgment of dismissal under Code Civ. Proc., §§ 581d, 583.250, 583.360, or 583.430
 - Judgment of dismissal after an order sustaining a demurrer
 - An order after judgment under Code Civ. Proc., § 904.1(a)(2)
 - An order or judgment under Code Civ. Proc., § 904.1(a)(3)–(13)
 - Other (describe and specify code section that authorizes this appeal):
 Denial of special motion to strike complaint pursuant to C.C.P. § 425.16, appealable pursuant to C.C.P. § 425.16(j).
2. Does the judgment appealed from dispose of all causes of action, including all cross-actions between the parties?
 - Yes No If no, please explain why the judgment is appealable:

B. TIMELINESS OF APPEAL (Provide all applicable dates.)

1. Date of entry of judgment or order appealed from: 3 / 7 / 06
2. Date that notice of entry of judgment or a copy of the judgment was mailed by the clerk or served by a party under California Rules of Court, rule 2: 3 / 7 / 06
3. Was a motion for new trial, judgment notwithstanding the verdict, reconsideration, or to vacate the judgment made and denied?
 - Yes No If yes, please specify the type of motion:

Date motion filed: ___/___/___ Date denied: ___/___/___ Date denial served: ___/___/___
4. Date notice of appeal or cross-appeal filed: 5 / 8 / 06

C. BANKRUPTCY OR OTHER STAY

Is there a related bankruptcy case or a court-ordered stay that affects this appeal? Yes No If yes, please attach a copy of the bankruptcy petition [without attachments] and any stay order.

APPELLATE CASE TITLE:

Eagle Broadband v. Does

SUPERIOR COURT CASE NUMBER:

1-05-CV-050179

D. APPELLATE CASE HISTORY (Provide additional information, if necessary, on attachment I.D.)

Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court? Yes No If yes, insert name of appellate court: See attachment D

Appellate court case no.:

Title of case:

Name of trial court:

Trial court case no.:

E. SERVICE REQUIREMENTS

Is service of documents in this matter, including a brief or a petition, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 44.5 or a statute? Yes No If yes, please indicate the rule or statute that applies.

Rule 44.5(a)

Gov. Code, § 4461 (Disabled access to public buildings)

Bus. & Prof. Code, § 17209 (Unfair Competition Act)

Gov. Code, § 12656(a) (False Claims Act)

Bus. & Prof. Code, § 17536.5 (False advertising)

Health & Saf. Code, § 19954.5 (Accessible seating and accommodations)

Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; antiboycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney)

Health & Saf. Code, § 19959.5 (Disabled access to privately funded public accommodations)

Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing)

Other (please specify statute):

NOTE: The rule and statutory provisions listed above require service of a copy of a party's brief or petition and brief on the Attorney General or other public officer or agency. Other statutes requiring service on the Attorney General or other public officers or agencies may also apply. (See, e.g., Code Civ. Proc., § 1355; Gov. Code, § 946.6(d); Pub. Resources Code, § 21167.7.)

PART II – NATURE OF ACTION

A. Nature of action (check all that apply):

1. Conservatorship

2. Contract

3. Eminent domain

4. Equitable action a. Declaratory relief b. Other (describe):

5. Family law

6. Guardianship

7. Probate

8. Real property rights a. Title of real property b. Other (describe):

9. Tort

a. Medical malpractice

b. Product liability

c. Other personal injury

d. Personal property

e. Other tort (describe): Unfair business practices and defamation

10. Trust proceedings

11. Writ proceedings in superior court

a. Mandate (Code Civ. Proc., § 1085)

b. Administrative mandate (Code Civ. Proc., § 1094.5)

c. Prohibition (Code Civ. Proc., § 1102)

d. Other (describe):

12. Other action (describe):

B. This appeal is entitled to calendar preference/priority on appeal (cite authority):

PART III – PARTY AND ATTORNEY INFORMATION

Please attach to this form a list of all the parties and all their attorneys of record who will participate in the appeal. For the parties, include the following information: the party's name and his or her designation in the trial court proceeding (plaintiff, defendant, etc.). For the attorneys, include the following information: name, State Bar number, mailing address, telephone number, fax number, and e-mail address.

Date: 5/17/06

This statement is prepared and submitted by:

Doc 4 a/k/a Richard Williams

(SIGNATURE OF ATTORNEY OR UNREPRESENTED PARTY)

Attachment I.D. to Case Information Statement

Eagle Broadband, Inc. v. Does

Appellate Case Number: H030169

Superior Court Case Number 1-05-CV-050179

On March 7, 2006, the Honorable William J. Elfving of the Santa Clara County Superior Court issued an order which addressed various motions by the parties. In particular, Judge Elfving denied the special motion to strike the complaint pursuant to C.C.P. section 425.16 by Doe 4 a/k/a Richard Williams and granted the special motion to strike the complaint by Doe 5 a/k/a Thomas Mould.

On or about May 4, 2006, Eagle Broadband filed a Notice of Appeal with regard to the granting of Doe 5's special motion to strike the complaint. The Court of Appeal assigned case number H030169 to this appeal.

On May 8, 2006, Doe 4 a/k/a Richard Williams filed a Notice of Appeal with regard to the denial of his special motion to strike the complaint. The Court of Appeal assigned case number H030169 to this appeal as well.

As these appeals are effectively of different orders (despite the fact that the Superior Court included rulings on several motions in one "order"), Doe 4's appeal of the denial of his special motion to strike is not a cross-appeal to Eagle Broadband's appeal of the granting of Doe 5's special motion to strike the complaint.

However, Doe 4 is willing to stipulate that the two appeals be consolidated, and be based upon a common record of the trial court proceedings.

Part III -- Attachment to Case Information Statement

Eagle Broadband, Inc. v. Does

Appellate Case Number: H030169

Superior Court Case Number 1-05-CV-050179

List of Parties

Appellant: Doe 4 a/k/a Richard Williams (Defendant)

Attorneys: Mark Goldowitz, #96418

Paul Clifford, #119015

CALIFORNIA ANTI-SLAPP PROJECT

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