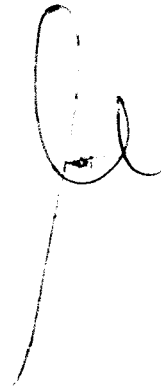


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May 30, 2006

ORIGINAL

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VIA HAND DELIVERY

Office of the Clerk
California Court of Appeal
Sixth Appellate District
333 W. Santa Clara Street, Suite 1060
San Jose, CA 95113

Re: EAGLE BROADBAND, INC., Plaintiff and Appellant, vs. THOMAS MOULD
A/K/A BENDERANDDUNDAT, Defendant and Respondent

EAGLE BROADBAND, INC., Plaintiff and Respondent, vs. RICHARD
WILLIAMS, A/K/A RICHWILL21, Defendant and Appellant.

Court of Appeal Case No. H030169
Santa Clara Superior Court, Case No. 1-05-CV-050179

Dear Clerk of the Court of Appeal:

This letter is in response to the Clerk of the Court's May 10, 2006 letters notifying Plaintiff Eagle Broadband, Inc. ("Eagle Broadband") and Defendant Richard Williams, a/k/a "richwill21" a/k/a DOE 4 ("Williams") that it would be treating the appeal filed by Williams as a cross-appeal to Eagle Broadband's appeal. As discussed below, it is the parties' position that the Court should *not* treat these appeals in this manner because the parties to each appeal are different. Instead, the parties respectfully request that the Court treat Eagle Broadband's appeal and Williams' appeal as separate and independent appeals.

On or about October 5, 2005, Eagle Broadband filed its complaint for defamation and unfair competition, entitled *Eagle Broadband Inc. v. DOES 1 through 25*, Santa Clara Superior Court Case No. 1-05-CV-050179. Thereafter, Williams and Thomas Mould a/k/a "benderanddundat" a/k/a DOE 5 ("Mould") filed and served their special motions to strike, pursuant to Code of Civil Procedure section 425.16 ("Anti-SLAPP motion"). In conjunction with its opposition to the Anti-SLAPP motion, Eagle Broadband filed a motion for leave to conduct discovery pursuant to Code of Civil Procedure section 425.16(g).

On March 7, 2006, the Honorable William J. Elfving of the Superior Court for Santa Clara County issued an order granting Mould's Anti-SLAPP motion and denying Eagle

Broadband's motion for leave to take discovery. On May 4, 2006, Eagle Broadband filed and served its notice of appeal of the portion of the March 7 Order granting Mould's Anti-SLAPP motion and denying Eagle Broadband's motion for leave to take discovery. The Court of Appeal assigned Case No. H030169 to this appeal.

In that same March 7 Order, Judge Elfving denied Williams' Anti-SLAPP motion. On or about May 8, 2006, Williams filed his notice of appeal of the portion of the March 7 Order denying his Anti-SLAPP motion. The Court of Appeal assigned Williams' appeal the same case number, H030169, as Eagle Broadband's appeal.

On or about May 10, 2006, the Clerk of the Court of Appeal notified Eagle Broadband that it would be treating the appeal filed by Williams as a cross-appeal to Eagle Broadband's appeal. It is the position of Eagle Broadband, Mould and Williams that because the parties to each appeal differ and the appeals address separate portions of the March 7 Order, Eagle Broadband's appeal of the portion of the March 7 order granting Mould's Anti-SLAPP motion should be treated separately from Williams' appeal of the March 7 order denying his Anti-SLAPP Motion.

Due to the fact that the appeals relate to the same case and in the interest of judicial economy, however, the parties agree to submit to the following uniform briefing schedule:

- The parties to both appeals shall file a joint appendix, or if the parties cannot agree upon a joint appendix, the appellant for each appeal shall file an appendix, respectively, on or before July 5, 2006.
- To maintain uniformity, any changes or extension to the briefing schedule below should be mutually extended with respect to both appeals.

EAGLE BROADBAND, INC., Plaintiff and Appellant vs. THOMAS MOULD
A/K/A BENDERANDDUNDAT, Defendant and Respondent

- Appellant Eagle Broadband shall serve and file its opening brief on or before August 4, 2006.
- Respondent Mould shall serve and file his respondent's brief 30 days after the filing of Eagle Broadband's opening brief. [CRC 15(a)(2)]
- Appellant Eagle Broadband shall serve and file its reply brief 20 days after the filing of respondent's brief. [CRC 15(a)(3)]

EAGLE BROADBAND, INC., Plaintiff and Respondent, vs. RICHARD WILLIAMS, A/K/A RICHWILL21, Defendant and Appellant.

- Appellant Williams shall serve and file his opening brief on or before August 4, 2006.
- Respondent Eagle Broadband shall serve and file a respondent's brief 30 days after the filing of William's opening brief. [CRC 15(a)(2)]
- Appellant Williams shall serve and file his reply brief 20 days after the filing of respondent's brief. [CRC 15(a)(3)]

* * *

Thank you for your consideration of the foregoing matter.

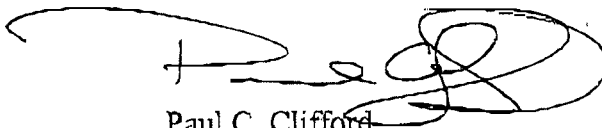
Respectfully submitted,

GORDON & REES LLP

Jeffrey M. Ratinoff
Counsel for Eagle Broadband, Inc.

Respectfully submitted,

CALIFORNIA ANTI-SLAPP PROJECT



Paul C. Clifford
Counsel for Thomas Mould and
Richard Williams

JMR:jkc

EAGLE BROADBAND, INC., Plaintiff and Respondent, vs. RICHARD WILLIAMS, A/K/A RICHWILL21, Defendant and Appellant.

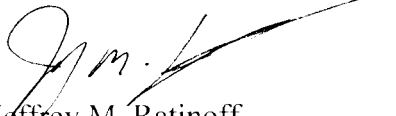
- Appellant Williams shall serve and file his opening brief on or before August 4, 2006.
- Respondent Eagle Broadband shall serve and file a respondent's brief 30 days after the filing of William's opening brief. [CRC 15(a)(2)]
- Appellant Williams shall serve and file his reply brief 20 days after the filing of respondent's brief. [CRC 15(a)(3)]

* * *

Thank you for your consideration of the foregoing matter.

Respectfully submitted,

GORDON & REES LLP



Jeffrey M. Ratinoff
Counsel for Eagle Broadband, Inc.

Respectfully submitted,

CALIFORNIA ANTI-SLAPP PROJECT

Paul C. Clifford
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