

ORIGINAL

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

EAGLE BROADBAND, INC.,

Plaintiff and Respondent,

v.

RICHARD WILLIAMS a/k/a RICHWILL 21,

Defendant and Appellant.

Case No. H030169

(Santa Clara County
Superior Court

Case No. 1-05-CV-
050179).

FILED

NOV 13 2006

Court of Appeal - Sixth App. Dist.

By _____
DEPUTY

APPLICATION FOR EXTENSION OF TIME TO DECEMBER 21, 2006
FOR THE ATTORNEY GENERAL TO FILE BRIEF AS AMICUS
CURIAE; DECLARATION OF KATHRIN SEARS;
PROPOSED ORDER

BILL LOCKYER
Attorney General
TOM GREENE
Chief Assistant Attorney General
ALBERT NORMAN SHELDEN
Senior Assistant Attorney General
RONALD A. REITER
Supervising Deputy Attorney General
KATHRIN SEARS (SBN 146684)
Deputy Attorney General
455 Golden Gate Ave., 11th Floor
San Francisco, California 94102
Telephone: (415) 703-5503
Facsimile: (415) 703-5480

On behalf of the Attorney General
as Amicus Curiae

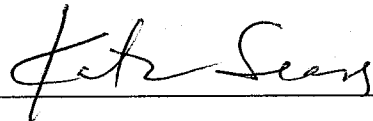
The Attorney General is required to be served with the briefs in appellate matters involving the construction and application of the Unfair Competition Law (UCL) (Business and Professions Code § 17200 et seq.), such as the appeal in this case, and is authorized to appear as amicus curiae. (Cal. Rules of Court, Rule 13, subd. (c)(6) (“Rule 13(c)(6)”).) Under Rule 13(c)(6), the Attorney General’s brief must be filed within 14 days of the Respondent’s brief. According to the Court’s website, Respondents’ brief to Appellant’s Opening Brief of Richard Williams was filed on November 7, 2006. Under Rule 13(c)(6), then, the Attorney General’s amicus brief would be due on November 21, 2006.

The Attorney General respectfully requests that he be granted an extension of time to December 21, 2006 to file his brief in this case as amicus curiae. The Attorney General has not previously requested an extension of time to file an amicus curiae brief in this matter. The extension now requested is necessary to complete a review of the Respondent’s brief to determine whether the Attorney General will file an amicus curiae brief. If he then decides to file an amicus curiae brief, the Attorney General’s deputy assigned to the matter will need additional time to draft the brief and to complete and conduct an internal office review of the brief in order to ensure that it accurately, clearly and concisely reflects the view of the Attorney General in this matter.

Therefore, the Attorney General respectfully requests that his deadline to file an amicus curiae brief in this matter be extended to December 21, 2006.

DATED: November 14, 2006 Respectfully submitted,

BILL LOCKYER
Attorney General
TOM GREENE
Chief Assistant Attorney General
ALBERT NORMAN SHELDEN
Senior Assistant Attorney General
RONALD A. REITER
Supervising Deputy Attorney General
KATHRIN SEARS (SBN 146684)
Deputy Attorney General

By 
KATHRIN SEARS
Deputy Attorney General

On behalf of the Attorney General
as Amicus Curiae

DECLARATION OF KATHRIN SEARS

I, Kathrin Sears, declare:

1. I am an attorney licensed to practice law in this state. I am employed as a Deputy Attorney General in the Office of the Attorney General.
2. The Attorney General has not previously requested any briefing schedule or any extension of time to file an amicus curiae brief in this case.
3. The Office of the Attorney General requests an extension of time in order to complete it's review of the Respondent's brief to determine whether to file a brief as amicus curiae, and, if the Attorney General so decides, to submit an amicus curiae brief. Additional time is needed to draft the brief and conduct an internal office review of the amicus curiae brief to ensure that the brief accurately, clearly and concisely reflects the views of the Attorney General on the matters discussed.
4. Therefore, the Attorney General respectfully requests that he be granted to December 21, 2006 to file his amicus curiae brief in this case.

I declare under penalty of perjury under the laws of the State of California that the facts set forth in this declaration are true and correct.
Executed on November 14, 2006 at San Francisco, California.


Kathrin Sears

[PROPOSED] ORDER

Good cause appearing, IT IS ORDERED that the time within which the Attorney General of California may file his brief as amicus curiae in this matter is extended to and including December 21, 2006. Any responses to the Attorney General's brief shall be filed within 14 days thereof.

Date: NOV 17 2006



Presiding Justice

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: Eagle Broadband, Inc. v. Richard Williams

No.: H030169

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On November 14, 2006, I served the attached APPLICATION FOR EXTENSION OF TIME TO DECEMBER 21, 2006 FOR THE ATTORNEY GENERAL TO FILE BRIEF AS AMICUS CURIAE; DECLARATION OF KATHRIN SEARS; PROPOSED ORDER by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 14, 2006, at San Francisco, California.

Georgene Roberts
Declarant



Signature

Eagle Broadband, Inc. v. Richard Williams, Inc.
Case No. H030169

SERVICE LIST

Mark Goldowitz
Paul Clifford
California Anti-SLAPP Project
2903 Sacramento Street
Berkeley, CA 94702

Counsel for Defendant and Appellant

Kelly J. Savage
Karineh Khachatourian
Jeffrey M. Ratinoff
GORDON & REES LLP
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111

Counsel for Plaintiff and Respondent

Hon. William J. Elfving
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

District Attorney
Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110