

[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

  
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Presiding Justice

**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  
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On behalf of the Attorney General  
as Amicus Curiae

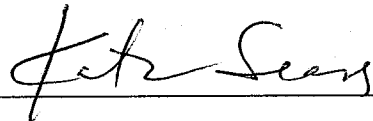
The Attorney General is required to be served with the briefs in appellate matters involving the construction and application of the Unfair Competition Law (UCL) (Business and Professions Code § 17200 et seq.), such as the appeal in this case, and is authorized to appear as amicus curiae. (Cal. Rules 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