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California Anti-SLAPP Project

Court of Appeal - Sixth App. Dist.
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SEP 10 2007

MICHAEL J. YERGEN, Clerk

August 31, 2007

Honorable Justices
Court of Appeal, Sixth Appellate District
333 W. Santa Clara St., #1060
San Jose, CA 95113-1717

Court of Appeal - Sixth App. Dist.
RECEIVED

SEP 5 - 2007

MICHAEL J. YERGEN, Clerk

By _____
DEPUTY

Re: *Eagle Broadband, Inc. v. Williams*, No. H030169
Eagle Broadband, Inc. v. Mould, Nos. H030169 and H030719
Scheduled for oral argument on September 20, 2007, 1:30 p.m.

Dear Honorable Justices:

PERMISSION TO FILE GRANTED

RM
ACTING

On behalf of defendant and respondent Roy Thomas Mould and defendant and appellant Richard Williams, I hereby request leave to file this letter bringing to the Court's attention four published opinions which are relevant to the issues on appeal and which were issued after my clients' last briefs were submitted:

Gilbert v. Sykes (2007) 147 Cal.App.4th 13, 31 ("The general rule is that the words constituting an alleged libel must be specifically identified, if not pleaded verbatim, in the complaint," quoting *Vogel v. Felice* (2005) 127 Cal.App.4th 1006, 1017, fn. 3, quoting *Kahn v. Bowser* (1991) 232 Cal.App.3d 1599, 1612, fn. 5).

Christian Research Institute v. Alnor (2007) 148 Cal.App.4th 71, 86 ("... a reviewing court is not bound to consider the evidence of actual malice in the light most favorable to [plaintiffs] or to draw all permissible inferences in favor of [plaintiffs]," quoting *McCoy v. Hearst Corp.* (1986) 42 Cal.3d 835, 846).

Morrow v. Los Angeles Unified School District (2007) 149 Cal.App.4th 1424, 1444 (the trial court's evidentiary rulings are reviewed for an abuse of discretion).

Burnett v. Twentieth Century Fox (C.D.Cal., 2007) 491 F.Supp.2d 962, 973 ("... no reasonable viewer would mistake the Charwoman or Carol Burnett as anything other than the target of a Family Guy parody."). (A copy is enclosed.)

Sincerely,

Mark Goldowitz

Mark Goldowitz

MG/jr

encl: *Burnett v. Twentieth Century Fox*

cc: Karineh Khachatourian, Jeffrey Ratinoff