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6 Attorneys for Reorganized Debtor
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8
9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 In re	Case No: 13-51589 SLJ
13 TECHNOLOGY PROPERTIES LIMITED, 14 LLC,	Chapter 11
15 Debtor.	NO HEARING REQUESTED

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18 **EX PARTE APPLICATION FOR MODIFICATION OF BRIEFING
19 SCHEDULE ON MOTION FOR RELIEF FROM DEFAULT ON ORDER
20 RE REQUEST OF MICHAEL DAVIS FOR PAYMENT OF
21 ADMINISTRATIVE EXPENSE (FRCP 60(b); FRBP 9024)**
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1 Reorganized debtor Technology Properties Limited, LLC (“TPL”) hereby applies to the
2 Court for the following:

- 3
- 4 (a) An extension of time for creditor and respondent Michael Davis to file
5 opposition to the Motion For Relief From Default on Order re: Request of
6 Michael Davis for Payment of Administrative Expense (FRCP 60(b); FRBP
7 9024) (the “Motion”) from September 5, 2016, through and including
8 September 9, 2016; and,
- 9 (b) Authority for the filing and inclusion as part of the Motion of TPL’s
10 Supplemental Memorandum Of Points & Authorities In Support Of Motion
11 For Relief From Default On Order Re Request Of Michael Davis For
12 Payment Of Administrative Expense (FRCP 60(b); FRBP 9024) (the
13 “Supplemental MPA”).

14 TPL respectfully represents as follows in support of this Ex Parte Application:

- 15
- 16 1. The Motion was filed on August 22, 2016.
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- 18 2. On August 22, 2016, at the hearing on the Request of Michael Davis for Payment of
19 Administrative Expense, the Court raised a question as to whether there was legal
20 authority about the nature of the act from which TPL sought relief that might preclude
21 prevent the Motion from being granted.
- 22 3. After completing research on the point, TPL concluded that there was relevant
23 authority from the 9th Circuit that needed to be placed before the Court in time for
24 Mr. Davis and his counsel to see and respond to it. On August 26, 2017, TPL
25 therefore filed and served its Supplemental MPA.
- 26

1 4. TPL requested, in writing and by telephone, that Mr. Davis accept an extension of
2 time for him to file opposition to the Motion as set forth above, allowing him a full
3 14 days to respond from the date of filing of the Supplemental MPA, while retaining
4 TPL's reply date of September 14, 2016. Mr. Davis's counsel has not responded to
5 queries thus far.

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7 5. TPL believes that inclusion of the authority cited in the Supplemental MPA is
8 appropriate, given the Court's inquiry, and will guide the parties' briefing. No
9 prejudice accrues since Mr. Davis and his counsel will have more time to respond to
10 the Motion than they would otherwise have had, and will have a full 14 days to
11 respond to the authority in the Supplemental MPA. Moreover, with TPL's
12 unmodified deadline to file its reply brief on September 14, 2016, Mr. Davis will
13 still have 7 days before the scheduled September 21, 2016 hearing to prepare.

14 WHEREFORE, for all the reasons set forth above TPL respectfully requests that the Court
15 GRANT this Application, extend the time for Davis opposition to the Motion through September 9,
16 2016, and authorize the filing and inclusion of the Supplemental MPA as part of the Motion.

17 Date: August 29, 2016

BINDER & MALTER, LLP

18
19 By: /s/ Robert G. Harris

Robert G. Harris

20 Attorneys for Reorganized Debtor
21 Technology Properties Limited, LLC

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9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 In re

13 TECHNOLOGY PROPERTIES LIMITED,
14 LLC,

15 Debtor.

Case No: 13-51589 SLJ

Chapter 11

NO HEARING REQUESTED

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18 **DECLARATION OF COUNSEL PURSUANT TO LBR 9006-1 RE: EX**
19 **PARTE APPLICATION FOR MODIFICATION OF BRIEFING**
20 **SCHEDULE ON MOTION FOR RELIEF FROM DEFAULT ON ORDER**
21 **RE REQUEST OF MICHAEL DAVIS FOR PAYMENT OF**
22 **ADMINISTRATIVE EXPENSE (FRCP 60(b); FRBP 9024)**

23 I, Robert G. Harris, know the following matters to be true of my own, personal
24 knowledge and, if called as a witness, could and would testify competently thereto:

25 1. I am a member of the State Bar of California in good standing and am admitted
26 to practice before this Court. I am counsel for reorganized debtor Technology Properties
27 Limited, LLC ("TPL"). I am submitting this declaration in support of the Ex Parte Application

28 DECLARATION OF COUNSEL

Page 1

1 For Modification Of Briefing Schedule On Motion For Relief From Default On Order Re
2 Request Of Michael Davis For Payment Of Administrative Expense (FRCP 60(b); FRBP
3 9024)(the “Application”).

4 2. I declare as follows as required by BLR 9006-1(c):

5 a. Reasons for Extension of Briefing Schedule for Opposition Requested.

6
7 On August 22, 2016, at the hearing on the Request of Michael Davis for Payment of
8 Administrative Expense (the “Request”), the Court raised a question as to whether there was
9 legal authority about the nature of the act from which TPL sought relief that might prelude
10 prevent the Motion from being granted. After completing research on the point, TPL
11 concluded that there was relevant authority from the 9th Circuit that needed to be placed before
12 the Court in time for Mr. Davis and his counsel to see and respond to it. On August 26, 2017,
13 TPL therefore filed and served its Supplemental Memorandum in Support of Motion For Relief
14 From Default On Order Re Request Of Michael Davis For Payment Of Administrative Expense
15 (FRCP 60(b); FRBP 9024) (the “Supplemental MPA”).

16 TPL believes that inclusion of the authority cited in the Supplemental MPA is
17 appropriate, given the Court’s inquiry, and will guide the parties’ briefing. No prejudice accrues
18 since Mr. Davis and his counsel will have more time to respond to the Motion For Relief From
19 Default On Order Re Request Of Michael Davis For Payment Of Administrative Expense (FRCP
20 60(b); FRBP 9024)(the “Motion”) than they would otherwise have had, and will have a full 14
21 days to respond to the authority in the Supplemental MPA. Moreover, with TPL’s unmodified
22 deadline to file its reply brief on September 14, 2016, Mr. Davis will still have 7 days before the
23 scheduled September 21, 2016 hearing to prepare.

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27 DECLARATION OF COUNSEL

Page 2

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13 TECHNOLOGY PROPERTIES LIMITED, LLC

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re

TECHNOLOGY PROPERTIES LIMITED,
LLC,

Debtor.

Case No: 13-51589 SLJ

Chapter 11

NO HEARING REQUESTED

CERTIFICATE OF SERVICE

I, Natalie D. Gonzalez, declare:

I am employed in the County of Santa Clara, California. I am over the age of eighteen (18) years and not a party to the within entitled cause; my business address is 2775 Park Avenue, Santa Clara, California 95050.

On August 29, 2016 I served a true and correct copy of the following document(s):

**EX PARTE APPLICATION FOR MODIFICATION OF BRIEFING
SCHEDULE ON MOTION FOR RELIEF FROM DEFAULT ON ORDER
RE REQUEST OF MICHAEL DAVIS FOR PAYMENT OF
ADMINISTRATIVE EXPENSE (FRCP 60(b); FRBP 9024)**

**DECLARATION OF COUNSEL PURSUANT TO LBR 9006-1 RE: EX
PARTE APPLICATION FOR MODIFICATION OF BRIEFING
SCHEDULE ON MOTION FOR RELIEF FROM DEFAULT ON ORDER
RE REQUEST OF MICHAEL DAVIS FOR PAYMENT OF
ADMINISTRATIVE EXPENSE (FRCP 60(b); FRBP 9024)**

1
2 **ORDER GRANTING EX PARTE APPLICATION FOR MODIFICATION**
3 **OF BRIEFING SCHEDULE ON MOTION FOR RELIEF FROM**
4 **DEFAULT ON ORDER RE REQUEST OF MICHAEL DAVIS FOR**
5 **PAYMENT OF ADMINISTRATIVE EXPENSE (FRCP 60(b); FRBP 9024)**

6 via electronic transmission and/or the Court's CM/ECF notification system to the parties
7 registered to receive notice as follows:

8 **U.S. Trustee**

9 John Wesoloski
10 United States Trustee
11 Office of the U.S. Trustee
12 280 So. First St., Room 268
13 San Jose, CA 95113
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Special Notice

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16 **Special Notice**

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27 **VIA ECF**
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Executed on August 29, 2016, at Santa Clara, California. I certify under penalty of
perjury that the foregoing is true and correct.

/s/ Natalie D. Gonzalez
Natalie D. Gonzalez