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13 Attorneys for Debtor and Debtor-in-Possession
14 TECHNOLOGY PROPERTIES LIMITED, LLC

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5

In re

TECHNOLOGY PROPERTIES LIMITED,
LLC,

Debtor.

Case No: 13-51589 SLJ

Chapter 11

**EX PARTE APPLICATION FOR ORDER SHORTENING TIME
TO SET PRELIMINARY HEARING ON FOURTH MOTION TO APPROVE
USE OF CASH COLLATERAL (FRBP 4001(b))**

TO THE HONORABLE STEPHEN L. JOHNSON:

Debtor and debtor in possession Technology Properties Limited, LLC (“TPL”) hereby applies to the Court for an order shortening the time for a hearing on its Fourth Motion to Approve Use of Cash Collateral (FRBP 4001(b)), setting the matter for a preliminary hearing on the morning of August 19, 2014, at 10:00 a.m. or as soon thereafter in that week as the matter might be heard. The parties with an interest in cash collateral and the Official Committee of Unsecured Creditors consent to the shortening of time and setting of the preliminary hearing as requested.

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

- 2 1. TPL commenced this case by filing a voluntary Chapter 11 petition on March 20,
3 2013. TPL is an operating business located in San Jose California. TPL has cash
4 against which its secured creditors have liens.
- 5 2. TPL has three secured creditors: Cupertino City Center Buildings, a California
6 Limited Partnership (“CCC”); Swamy Venkidu as Shareholder Agent for a group of
7 shareholders (“Mr. Venkidu”); and Daniel E. Leckrone.
- 8 3. TPL requires permission to use cash collateral in the ordinary course for operations
9 of the business and to pay U.S. Trustee’s fees.
- 10 4. The interim amount requested, pending a final hearing on the Motion, is \$31,101.45.
- 11 5. TPL’s three secured creditors have agreed to the use of cash collateral as requested
12 and have reviewed and approved TPL’s cash collateral budget. All three secured
13 creditors are to receive a replacement lien on collateral with a back-up super-priority
14 claim to the extent that adequate protection proves inadequate.
- 15 6. TPL has immediate cash needs in the amount of \$31,101.45 that are detailed in the
16 budget accompanying the motion which need to be paid through the date of a final
17 hearing (assuming it is before August 31, 2014), in order to avoid irreparable harm.
- 18 7. Without approval to use cash, TPL will lose its general liability insurance and may
19 cause certain patents to expire, causing TPL to be in breach of the agreements
20 pursuant to which it is entitled to commercialize these patents and would likely cause
21 the termination of those agreements. In addition, U.S. Trustee fees would go unpaid.

22 WHEREFORE, TPL respectfully requests that this Court set a preliminary hearing on
23 the Motion to consider approval to use cash collateral on the morning of August 19, 2014, or as
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1 soon thereafter as the matter might be heard and to set a final hearing thereon.

2 Dated: August 12, 2014

BINDER & MALTER, LLP

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4 By: /s/ David B. Rao

David B. Rao

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6 Attorneys for Attorneys for Debtor and Debtor-in-
Possession TECHNOLOGY PROPERTIES
7 LIMITED LLC
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13 TPL/plead/Ch11/CashCollateral/FourthCashCollateral-OST.App.
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Attorneys for Debtor and Debtor-in-Possession
TECHNOLOGY PROPERTIES LIMITED, LLC

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5

In re

TECHNOLOGY PROPERTIES LIMITED,
LLC,

Debtor.

Case No: 13-51589 SLJ

Chapter 11

**DECLARATION OF COUNSEL IN SUPPORT OF STIPULATED EX PARTE
APPLICATION FOR ORDER SHORTENING TIME TO SET PRELIMINARY
HEARING ON MOTION TO APPROVE USE OF CASH COLLATERAL (FRBP 4001(b))**

I, David B. Rao, know the following matters to be true of my own, personal knowledge
and, if called as a witness, could and would testify competently thereto:

1. I am a member of the State Bar of California in good standing and am admitted to
practice before this Court. I am counsel for debtor and debtor-in-possession Technology
Properties Limited LLC ("TPL"). I am submitting this declaration in support of the above-
referenced application for shortened time.

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

a. Reason for Particular Shortening of Time Requested.

TPL requires permission for immediate use of cash collateral and seeks a preliminary
hearing for the fourth request for the use of cash collateral by the estate. Bankruptcy Code

1 section 363(c) (3) states that a preliminary hearing on the use of cash collateral “ . . . shall be
2 scheduled in accordance with the needs of the debtor”

3 I am informed by TPL that TPL owes its vendors payment for May through August 2014
4 services. TPL plans to pay those sums after a hearing on its cash collateral motion, assuming
5 approval.

6 b. Previous Time Modifications Related to the Subject of the Request.

7 No request for shortened time has been made with respect to the fourth request for cash
8 collateral use.

9 c. The Effect of the Requested Time Modification on the Schedule
10 For the Case.

11 The main Chapter 11 case’s schedule is not materially impacted by the filing, though it
12 will preserve the estate to allow payment of matters of immediate need.

13 d. Stipulation.

14 On August 8, 2014, I spoke with Robert A. Franklin, Counsel for the Official Unsecured
15 Creditors’ Committee, who advised me that the Committee consents to the proposed shortened
16 time for this motion. Counsel is available for a hearing on August 19, 2014 in the morning,
17 August 21, 2014 in the afternoon, and anytime on August 20 and 22, 2014.

18 On August 8, 2014, I also spoke to attorney Christopher Hart, counsel for secured
19 creditor Cupertino City Center Buildings. Mr. Hart also does not object to the proposed
20 shortened time. Mr. Hart stated that he is available either morning or afternoon on August 19,
21 21 or 22 and is available on August 20 in the afternoon only.

22 On August 8, 2014, I also spoke with Javed Ellahie, Counsel for Mr. Venkidu, who
23 agreed to a hearing on shortened notice on August 19, 20, 21 or 22 at any time.

24 In summary, the parties are available for a hearing on August 19, 2014 in the morning,
25 August 20 and 21, 2014 in the afternoon, or any time on August 22, 2014. If it pleases the Court,
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1 TPL requests that a preliminary hearing be set on the Court's Chapter 7 or 11 Motion for Relief
2 from Stay calendar on August 19, 2014 at 10:00 a.m.

3 I declare under penalty of perjury of the laws of the United States that the foregoing is
4 true and correct. Executed this 12th day of August, 2014, at Santa Clara, California.
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6 /s/ David B. Rao

7 David B. Rao
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12 TPL/plead/CashCollateral/FourthCashCollateral/OST-Dec
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