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14 Attorneys for Debtor and Debtor-in-Possession
15 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, a California limited liability company,

Debtor.

Case No.: 13- 51589SLJ

Chapter 11

**EX PARTE APPLICATION FOR ORDER SHORTENING TIME
TO SET PRELIMINARY HEARING ON THIRD 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 hearing on its Third Motion to Approve
Use of Cash Collateral (FRBP 4001(b)), setting the matter for a preliminary hearing on the
morning of April 16, 2014, or as soon thereafter in that week as the matter might be heard. The

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2 parties with an interest in cash collateral and the Official Unsecured Creditors' Committee
3 consent to the shortening of time and setting of the preliminary hearing as requested.

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

- 5 1. TPL commenced this case by filing a voluntary Chapter 11 petition on March 20,
6 2013. TPL is an operating business located in San Jose California. TPL has cash
7 against which its secured creditors have liens.
- 8 2. TPL has three secured creditors: Cupertino City Center Buildings, a California
9 Limited Partnership ("CCC"); Swamy Venkidu as Shareholder Agent for a group of
10 shareholders ("Mr. Venkidu"); and Daniel E. Leckrone.
- 11 3. TPL requires permission to use cash collateral to be used in the ordinary course for
12 operations of the business and to pay adequate protection to CCC and Mr. Venkidu.
13
- 14 4. Cash collateral is to be used to pay operating expenses in the ordinary course so long
15 as adequate protection payments are made as agreed, and would have essentially
16 unlimited duration. The interim amount requested through April 30th, pending a final
17 hearing on the Motion, is \$128,000.
18
- 19 5. In its request for a final order, TPL expects to propose to pay Mr. Venkidu a
20 percentage of the proceeds of licenses and litigation recoveries from Mr. Venkidu's
21 collateral when received. Debtor proposes to continue to pay CCC monthly payments
22 of \$50,000 pursuant to the terms of its pre-petition Settlement Agreement with TPL
23 and the first and second orders for use of cash collateral. The payments for April 2014
24 and May 2014, however, are expected to be made by June 1, 2014, by agreement with
25 CCC. Daniel E. Leckrone will receive no adequate protection payments under the
26 Motion. All three secured creditors are to receive a replacement lien on collateral
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2 with a back-up super-priority claim to the extent that adequate protection proves
3 inadequate.

- 4
5 6. TPL is an operating business. It has immediate cash needs that are detailed in the
6 budget accompanying the motion. Specifically, TPL has or expects owe expenses
7 totaling \$128,000 through the date of a final hearing (assuming it is before April
8 30th), approval of which is the minimum necessary to avoid irreparable harm.
9 7. Without approval to use cash, TPL will cease operating and the estate will suffer
10 irreparable harm. Ongoing licensing operations will cease. Litigation support will
11 cease as Alliacense, TPL's vendor for such services, ceases providing services as TLP
12 will be unable to generate funds to pay it.

13 WHEREFORE, TPL respectfully requests that this Court set a preliminary hearing on the
14 Motion to consider approval to use cash collateral on the morning of April 16, 2014, or as soon
15 thereafter in the following week as the matter might be heard and to set a final hearing thereon.

16 Dated: April 11, 2014

BINDER & MALTER, LLP

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18 By: /s/ Wendy W. Smith
Wendy W. Smith

19 Attorneys for Debtors for Debtor and Debtor-in-
20 Possession TECHNOLOGY PROPERTIES
21 LIMITED LLC
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TECHNOLOGY PROPERTIES LIMITED LLC

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**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, Wendy W. Smith, 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.

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

3 a. Reason for Particular Shortening of Time Requested.

4 TPL requires permission to use cash collateral since, on or shortly after April 16, 2014,
5 for a preliminary hearing for the third request for the use of cash collateral by the estate.

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

8
9 I am informed by TPL that TPL owes its vendors payment for March and April services
10 and will owe its employees for payroll on or about April 15, 2014. TPL plans to pay those sums
11 after a hearing on its cash collateral motion, assuming approval.

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

13 No request for shortened time has been made with respect to the third request for cash
14 collateral use.

15 c. The Effect of the Requested Time Modification on the Schedule
16 For the Case.

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

19 d. Stipulation.

20 Counsel for Mr. Venkadu has consented in writing to shortened time by signing off on
21 TPL's ex parte application.

22
23 On April 11, 2014, I spoke with Counsel for the Official Unsecured Creditors'
24 Committee, who advised me that the Committee consents to the proposed shortened time for this
25 motion. Counsel is available for a hearing on April 16, 2014 or April 18, 2014.

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2 I spoke to attorney Christopher Hart on April 14, 2014. Mr. Hart also does not object to
3 the proposed shortened time. Mr. Hart did not respond to a subsequent email asking for a time
4 that was convenient for him.

5 On April 11, 2014, I spoke with Javed Ellahie, Counsel for Mr. Venkidu, who agreed to a
6 hearing on shortened notice on April 16, 2014, April 17, 2014, or April 18, 2014.

7 The best time for a hearing would therefore appear to be on April 16, 2014, or April 18,
8 2014.

9 I declare under penalty of perjury of the laws of the United States that the foregoing is
10 true and correct. Executed this 11th day of April, 2014, at Santa Clara, California.
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13 /s/ WENDY W. SMITH
14 WENDY W. SMITH
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