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13 TECHNOLOGY PROPERTIES LIMITED LLC

14 **UNITED STATES BANKRUPTCY COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN JOSE DIVISION**

17 In re:

18 TECHNOLOGY PROPERTIES LIMITED,
19 LLC, a California limited liability company,
20
21 Debtor.

Case No.: 13- 51589SLJ

Chapter 11

Date: January 23, 2014

Time: 10:00 a.m.

Place: Courtroom 3099
280 South First Street
San Jose, California

22 **EVIDENTIARY OBJECTIONS TO DECLARATION OF JOHN WALSH MURRAY IN**
23 **SUPPORT OF MOTION OF CREDITORS' COMMITTEE FOR ORDERS: (1)**
24 **APPOINTING A CHAPTER 11 TRUSTEE; AND (2) DIRECTING DANIEL E.**
25 **LECKRONE TO APPEAR AND SHOW CAUSE WHY HE SHOULD NOT BE HELD IN**
26 **CONTEMPT FOR VIOLATION OF THIS COURT'S ORDER**

27 Debtor and Debtor-in-Possession Technology Properties Limited LLC ("TPL") hereby
28 objects to the Declaration of John Walshe Murray in Support of Motion of Creditors' Committee

for Orders: (1) Appointing a Chapter 11 Trustee; and (2) Directing Daniel E. Leckrone to Appear and Show Cause Why He Should Not be Held in Contempt for Violation of This Court's Order as follows:

Material Objected to:	Grounds for Objection:	Ruling on Objection:
<p>1. Murray Declaration, p. 3, lines 18-19:</p> <p>“However, due to the lack of progress in the case and the Debtor’s continuing dissipation of assets in total disregard of the interests of creditors...”</p>	<p>1. Lack of Foundation. [FRE 602].</p> <p>2. Improper Opinion Testimony/Legal Conclusion. [FRE 602 (personal knowledge requirement); 701 (opinion testimony by lay witness; 702 (scope of testimony by qualified expert); BLR 9013-1(d)(2) (declarations shall contain only facts and shall avoid conclusions of law and argument)].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>2. Murray Declaration, p. 4, lines 25-28:</p> <p>“On December 10, 2013, the Committee was advised by the Debtor that it had, without the Committee’s consent, consummated two settlements of pending litigation, all of which were clearly contemplated to be within the scope of this Court’s Settlement Protocol Order.”</p>	<p>1. Improper Opinion Testimony/Legal Conclusion. [FRE 602 (personal knowledge requirement); 701 (opinion testimony by lay witness; 702 (scope of testimony by qualified expert); BLR 9013-1(d)(2) (declarations shall contain only facts and shall avoid conclusions of law and argument)].</p> <p>2. Lack of Foundation. [FRE 602].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>3. Murray Declaration, p. 5, lines 1-3:</p> <p>“I am informed and believe that the Debtor consummated at least</p>	<p>1. Lack of Foundation/Lack of Personal Knowledge. [FRE 602; BLR 9013-1(d)(2) (any statement made upon information or belief shall specify the basis therefor)].</p>	<p>Sustained: _____</p>

Material Objected to:	Grounds for Objection:	Ruling on Objection:
two settlements, without the Committee's consent, for total receipts of approximately \$2,000,000."		Overruled: _____
<p>4. Murray Declaration, p. 5, lines 8-15:</p> <p>"I am informed and believe that according to its monthly operating report, the Debtor's post-petition revenues less direct costs of revenue through October total \$2,621,307. Of this amount, \$1,452,686 has gone to pay employee salaries, and specifically, over \$630,000 has been paid to Mr. Leckrone, his daughter Susan Anhalt, and Janet Neal. In addition, the Committee estimates that \$1.1 million has gone or has accrued to Mr. Leckrone's company, Alliance (\$401,721 in patent prosecution fees, 15% of gross sales of \$4.6 million or \$700,000), excluding additional fees for litigation support."</p>	<p>1. Lack of Foundation/Lack of Personal Knowledge. [FRE 602; BLR 9013-1(d)(2) (any statement made upon information or belief shall specify the basis therefor)].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>5. Murray Declaration, p. 5, lines 16-17:</p> <p>"I am informed and believe that during the pendency of this bankruptcy case, Ms. Neal is paid an annual salary of \$250,000."</p>	<p>1. Lack of Foundation/Lack of Personal Knowledge. [FRE 602; BLR 9013-1(d)(2) (any statement made upon information or belief shall specify the basis therefor)].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>6. Murray Declaration, p. 5, lines 23-28:</p> <p>"I am informed and believe that Ms. Neal performs the following tasks: keeps Mr. Leckrone's</p>	<p>1. Lack of Foundation/Lack of Personal Knowledge. [FRE 602; BLR 9013-1(d)(2) (any statement made upon information or belief shall specify the basis therefor)].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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Material Objected to:	Grounds for Objection:	Ruling on Objection:
calendar, arranges for Mr. Leckrone’s telephonic conference calls, takes minutes of these calls although she does not participate in such calls, travels from her home in the United Kingdom to the United States for purposes unknown to the Committee, and travels with Mr. Leckrone. See Debtor’s December 9, 2013 Disclosure Statement and the Exhibits thereto.”		

Dated: January 14, 2013

BINDER & MALTER, LLP

By: /s/ Robert G. Harris
Robert G. Harris
Attorneys for Debtor and Debtor-in-Possession
TECHNOLOGY PROPERTIES LIMITED LLC