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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.

22 Case No.: 13- 51589SLJ
23 Chapter 11
24 Date: January 23, 2014
25 Time: 10:00 a.m.
26 Place: Courtroom 3099
27 280 South First Street
28 San Jose, California

29 **EVIDENTIARY OBJECTIONS TO DECLARATION OF GLORIA FELCYN IN**
30 **SUPPORT OF MOTION OF CREDITORS' COMMITTEE FOR ORDERS: (1)**
31 **APPOINTING A CHAPTER 11 TRUSTEE; AND (2) DIRECTING DANIEL E.**
32 **LECKRONE TO APPEAR AND SHOW CAUSE WHY HE SHOULD NOT BE HELD IN**
33 **CONTEMPT FOR VIOLATION OF THIS COURT'S ORDER**

34 Debtor and Debtor-in-Possession Technology Properties Limited LLC ("TPL") hereby
35 objects to the Declaration of Gloria Felcyn in Support of Motion of Creditors' Committee for
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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. Felcyn Declaration, p. 2, lines 9-10: “The Debtor has apparently collected over \$7,000,000 through October 2013 during this Bankruptcy Case...”</p>	<p>1. Lack of Foundation/Lack of Personal Knowledge. [FRE 602 – a witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter].</p>	<p>Sustained: _____ Overruled: _____</p>
<p>2. Felcyn Declaration, p. 2, lines 9-11: “...and another approximately \$3,000,000 of which were not approved by the Committee as required...”</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>Sustained: _____ Overruled: _____</p>
<p>3. Felcyn Declaration, p. 2, lines 12-13: “If this conduct is allowed to continue, the Committee is convinced that the creditors will receive nothing in this case.”</p>	<p>1. Lack of Foundation/Speculation. [FRE 602].</p>	<p>Sustained: _____ Overruled: _____</p>
<p>4. Felcyn Declaration, p. 2, lines 15-16: “While it initially seemed progress was being made, Mr. Leckrone</p>	<p>1. Lack of Foundation. [FRE 602]; BLR 9013-1(d)(2) (declarations shall contain only facts and shall avoid conclusions of law and argument)].</p>	<p>Sustained: _____ Overruled: _____</p>

Material Objected to:	Grounds for Objection:	Ruling on Objection:
<p>would back track on commitments previously made.”</p>	<p>2. Best Evidence (to extent contention is based on a writing). [FRE 1002 – precludes secondary evidence to prove the content of a writing].</p> <p>3. Hearsay (to extent contention is based on an out of court statement). [FRE 802 – hearsay inadmissible unless otherwise provided].</p>	
<p>5. Felcyn Declaration, p. 2, lines 16-18:</p> <p>“The Debtor has clearly conducted its negotiations with the Committee in bad faith for the purpose of delaying the case and allowing its insiders to be paid exorbitant salaries despite its continued losses during this case.”</p>	<p>1. Lack of Foundation/Speculation. [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>6. Felcyn Declaration, p. 2, lines 22-24:</p> <p>“Debtor is primarily a holding company since all of its licensing is farmed out to his [sic] whole owned entity, Alliacence Limited, LLC, and all of its litigation is being handled by two outside law firms.”</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)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

Material Objected to:	Grounds for Objection:	Ruling on Objection:
	(declarations shall contain only facts and shall avoid conclusions of law and argument)].	
<p>7. Felcyn Declaration, p. 2, lines 24-25:</p> <p>“As a holding company, it can and should function with a staff of at most 2 persons.”</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>8. Felcyn Declaration, p. 2, lines 27-28:</p> <p>“...and ongoing payments of outlandish salaries and fees to Dan Leckrone, his children, the executive team and related entities.”</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>9. Felcyn Declaration, p. 3, lines 1-2:</p> <p>“...the obvious extreme conflicts of</p>	<p>1. Lack of Foundation. [FRE 602].</p>	<p>Sustained: _____</p>

Material Objected to:	Grounds for Objection:	Ruling on Objection:
interest of Dan Leckrone.”	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)].	Overruled: _____
10. Felcyn Declaration, p. 3, lines 2-3: “...the Debtor’s non-compliance with the settlement protocol order and the siphoning off of estate assets for the benefit of Alliacense...”	1. Lack of Foundation. [FRE 602]. 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)].	Sustained: _____ Overruled: _____
11. Felcyn Declaration, p. 3, lines 3-4: “...and the Debtor’s continued refusal to make even the slightest provisions for creditors as it pillages the estate. ”	1. Lack of Foundation. [FRE 602]. 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	Sustained: _____ Overruled: _____

Material Objected to:	Grounds for Objection:	Ruling on Objection:
	conclusions of law and argument)].	
<p>12. Felcyn Declaration, p. 3, lines 5-6:</p> <p>“Many of the Debtor’s creditors have been waiting for years to receive some kind of payment on the claims. Dan Leckrone is aware of this...”</p>	<p>1. Relevance. [FRE 402 – evidence which is not relevant is not admissible].</p> <p>2. Lack of Foundation/Lack of Personal Knowledge. [FRE 602].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>13. Felcyn Declaration, p. 3, lines 6-7:</p> <p>“...Debtor paid a visit to me at my office and let me know that “Patriot should not look upon the bankruptcy as an opportunity.” I assumed Mr. Leckrone intended...”</p>	<p>1. Hearsay. [FRE 802].</p> <p>2. Lack of Foundation/Speculation. [FRE 602].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>14. Felcyn Declaration, p. 3, lines 12-13:</p> <p>“Dan Leckrone even went so far as to advise one of the other Patriot Board members that he intended to file lawsuits against Patriot board members and he would turn me in for “insider trading,” presumably having to do with my role on the Creditors Committee.”</p>	<p>1. Hearsay. [FRE 802].</p> <p>2. Lack of Foundation/Lack of Personal Knowledge. [FRE 602].</p> <p>2. Lack of Foundation/Speculation. [FRE 602].</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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