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7 Attorneys for Official
Committee of Unsecured Creditors

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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 LLC,**) Case No. 13-51589-SLJ-11
fka TECHNOLOGY PROPERTIES LIMITED)
14 **INC., A CALIFORNIA CORPORATION,**) Chapter 11
fka TECHNOLOGY PROPERTIES LIMITED,)
15 **A CALIFORNIA CORPORATION,**) Date: January 23, 2014
) Time: 10:00 a.m.
16 Debtor.) Place: United States Bankruptcy Court
) 280 S. First Street, Room 3099
17) San Jose, CA 95113
) Judge: Honorable Stephen L. Johnson

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19 **OMNIBUS RESPONSE TO OBJECTIONS TO DECLARATIONS IN SUPPORT OF**
20 **MOTION OF CREDITORS' COMMITTEE FOR ORDERS:**
21 **(1) DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE; AND**
22 **(2) DIRECTING THE DEBTOR AND DANIEL E. LECKRONE TO APPEAR AND SHOW CAUSE WHY**
THEY SHOULD NOT BE HELD IN CONTEMPT OF COURT FOR VIOLATION OF THIS COURT'S ORDER

23 The Official Committee of Unsecured Creditors herein (the "Committee") in the bankruptcy
24 case of Technology Properties Limited, LLC's (the "Debtor" or "TPL") hereby responds to the
25 Debtor's evidentiary objections to the declarations filed in support of the Committee's MOTION OF
26 CREDITORS' COMMITTEE FOR ORDERS (1) DIRECTING THE APPOINTMENT OF A CHAPTER 11
27 TRUSTEE; AND (2) DIRECTING THE DEBTOR AND DANIEL E. LECKRONE TO APPEAR AND SHOW
28 CAUSE WHY THEY SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF THIS COURT'S ORDER

1 [Docket No. 313] (the “Motion”).

2 **I. THE DEBTOR’S OBJECTIONS**

3 1. The Committee filed the Motion on December 18, 2013, along with the supporting
4 declarations of John Walshe Murray, Gloria Felcyn and Carlton Johnson (collectively, the
5 “Declarations”), to which the Debtor has filed three evidentiary objections [Docket Nos. 368, 369
6 and 370, respectively] (collectively, the “Objections”). The Committee responds to each such
7 Objection as follows.

8 **A. Declaration Of John Walshe Murray**

9 2. The Debtor has identified several objections to the Declaration of John Walshe
10 Murray, to which the Committee responds as follows:

- 11 a. Page 3, lines 18-19: The objection should be overruled. It is explanatory of
12 one of the reasons the Committee sent the correspondence referred to in that
13 paragraph of which Mr. Murray has knowledge.
- 14 b. Page 4, lines 25-28: The objection should be overruled. The identified
15 settlements were within the scope and coverage of the Settlement Protocol
16 Order.
- 17 c. Page 5, lines 1-3: The objection should be overruled. It is clear from the
18 context that the basis of the statement comes from communications with the
19 Debtor.
- 20 d. Page 5, lines 8-15: The objection should be overruled. It is clear from the
21 context that the basis of the statement comes from the Debtor’s Monthly
22 Operating Reports.
- 23 e. Page 5, lines 16-17: The objection should be overruled. It is clear from the
24 context that the basis of the statement comes from the DECLARATION OF
25 DWAYNE HANNAH IN SUPPORT OF SECOND MOTION TO APPROVE USE OF
26 CASH COLLATERAL [Docket No. 255]. [See Declaration of John Walshe
27 Murray, page 5 at lines 21-22].

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B. Declaration of Gloria Felcyn

3. The Debtor has identified several objections to the Declaration of Gloria Felcyn, to which the Committee responds as follows:

- a. Page 2, lines 9-10, 9-11, 12-13, 15-16, 16-18, 22-24, 24-25 and 27-28: The objection should be overruled as the testimony explains some of the bases for the Committee’s frustration of which the Committee has authorized Ms. Felcyn to communicate in her declaration.
- b. Page 3, lines 3-4, 5-6: The objection should be overruled as the testimony explains some of the bases for the Committee’s frustration of which the Committee has authorized Ms. Felcyn to communicate in her declaration.
- c. Page 3, lines 6-7: The objection should be overruled. It is based on the personal knowledge of Ms. Felcyn, and the statements of Mr. Leckrone are admissions of a party and an exception to the hearsay rule.
- d. Page 3, lines 12-13: The objection should be overruled as it is explanatory of some of the bases for the Committee’s frustration of which the Committee has authorized Ms. Felcyn to communicate in her declaration.

C. Declaration of Carlton Johnson

4. The Debtor has identified several objections to the Declaration of Carlton Johnson, to which the Committee responds as follows:

- a. Page 2, lines 20-23: The objection should be overruled. The testimony is factual and within the personal knowledge of Mr. Johnson as a board member of Patriot and is explanatory of the allegations made by Mr. Leckrone.
- b. Page 2, lines 6-7: The objection should be overruled. The testimony is factual and within the personal knowledge of Mr. Johnson as a board member of Patriot and is explanatory of the allegations made by Mr. Leckrone.
- c. Page 4: lines 10-12: The objection should be overruled. It is within the personal knowledge of Mr. Johnson as a member of the PDS Management Committee.

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d. Page 4, lines 14-18: The objection should be overruled. The statements by Dan Leckrone are exceptions to the hearsay rule as they constitute admissions by a party. No legal opinions are made.

II. CONCLUSION

5. For the foregoing reasons, the Committee respectfully submits that the Court should overrule the Objections.

Dated: January 22, 2014

DORSEY & WHITNEY, LLP

By: /s/ Robert A. Franklin
Robert A. Franklin
Attorneys for the
Official Unsecured Creditors Committee

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fka TECHNOLOGY PROPERTIES LIMITED)
14 **INC., A CALIFORNIA CORPORATION,**) Chapter 11
fka TECHNOLOGY PROPERTIES LIMITED,)
15 **A CALIFORNIA CORPORATION,**) Date: January 23, 2014
16 Debtor.) Time: 10:00 a.m.
Place: United States Bankruptcy Court
17 280 S. First Street, Room 3099
San Jose, CA 95113
18 Judge: Honorable Stephen L. Johnson

19 **CERTIFICATE OF SERVICE**

20 STATE OF CALIFORNIA)
21) ss.
COUNTY OF SANTA CLARA)

22 I am a citizen of the United States and employed in Santa Clara County. I am over the age of
23 eighteen years and not a party to the above-entitled action; my business address is 305 Lytton
24 Avenue, Palo Alto, California 94301.

25 On January 22, 2014, at my place of business, I served a true and correct copy of the
26 following document(s):

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1 **1. OMNIBUS RESPONSE TO OBJECTIONS TO DECLARATIONS IN SUPPORT OF MOTION OF**
2 **CREDITORS' COMMITTEE FOR ORDERS: (1) DIRECTING THE APPOINTMENT OF A**
3 **CHAPTER 11 TRUSTEE; AND (2) DIRECTING THE DEBTOR AND DANIEL E. LECKRONE TO**
4 **APPEAR AND SHOW CAUSE WHY THEY SHOULD NOT BE HELD IN CONTEMPT OF COURT**
5 **FOR VIOLATION OF THIS COURT'S ORDER**

6 in the manner indicated below:

7 **By Electronic Filing** said document(s) and transmission of the Notification of Electronic
8 Filing by the Clerk to a Registered Participant(s), addressed as follows:

9 **UNITED STATES TRUSTEE**

10 Office of the U.S. Trustee
11 John S. Wesolowski
12 E-mail: john.wesolowski@usdoj.gov

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17 **DEBTOR-IN-POSSESSION**

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25 **REQUEST FOR SPECIAL NOTICE**

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By Mail by enclosing said document(s) in an envelope and depositing the sealed envelope with the United States Postal Service with the postage fully prepaid, addressed as follows:

Request For Special Notice
Counsel for Charles H. Moore
Kenneth H. Prochnow
Robert C. Chiles
Chiles and Prochnow, LLP
2600 El Camino Real, Suite 412
Palo Alto, CA 94306-1719

This Certificate was executed on January 22, 2014, at Palo Alto, Santa Clara County, California. I declare under penalty of perjury that the foregoing is true and correct.

/s/ Sandra Bloomer

SANDRA BLOOMER