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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.: 13-51589SLJ

Chapter 11

Date: TBD

Time: TBD

Place: United States Bankruptcy Court
280 S. 1st St., Courtroom 3099
San Jose, California

Judge: Honorable Stephen L. Johnson

**OPPOSITION BY TPL TO EX PARTE MOTION FOR ORDER SHORTENING TIME
FOR HEARING ON CHARLES H. MOORE'S JOINDER TO MOTION OF THE
CREDITORS' COMMITTEE DIRECTING THE APPOINTMENT OF A CHAPTER 11
TRUSTEE AND REMOVING DEBTOR AS DEBTOR IN POSSESSION**

Technology Properties Limited, LLC ("TPL"), debtor and debtor-in-possession in the above-captioned case, hereby opposes the Ex Parte Motion For Order Shortening Time For Hearing On Charles H. Moore's Joinder To Motion Of The Creditors' Committee Directing The Appointment Of A Chapter 11 Trustee And Removing Debtor As Debtor In Possession (the "OST Application"). For the reasons set forth below, Mr. Moore's request for shortened time should be denied, and he should be required to seek relief on regular notice.

1 TPL respectfully represents as follows:

2 1. The above-captioned case was filed on March 20, 2013. TPL remains the debtor
3 in possession herein, and no trustee has been appointed.

4 2. On December 16, 2013, the Official Unsecured Creditors' Committee (the
5 "OCUC") filed its Motion Of Creditors' Committee For Orders: (1) Directing The Appointment
6 Of A Chapter 11 Trustee; And (2) Directing The Debtor And Daniel E. Leckrone To Appear
7 And Show Cause Why They Should Not Be Held In Contempt Of Court For Violation Of This
8 Court's Order (the "OCUC Motion to Appoint Trustee").

9 3. On December 18, 2013, the Court conducted a hearing on the approval of TPL's
10 disclosure statement. Attorney Kenneth Prochnow, counsel for Charles H. Moore ("Moore"),
11 attended this December 18, 2013 hearing in person.

12 4. During the December 18th hearing, this Court shortened time for and set a
13 briefing schedule for a hearing on the OCUC's disclosure statement and OCUC Motion to
14 Appoint Trustee. The Court's minute order provides as follows:

15
16 Hearing scheduled for 01/23/2014 at 10:00 AM at San Jose Courtroom
17 3099 - Johnson. OCUC to notice their Disclosure Statement and
18 Motion to Appoint a Trustee for 1/23/2014 at 10:00 AM. Service of
19 notice for OCUC's Disclosure Statement must be made by 12/24/2013
20 and notice is shortened accordingly. Objections/responses to OCUC's
21 Disclosure Statement and Motion to Appoint a Trustee are due as
22 stated in BLR 3017-1 and BLR 9014-1(c)(1) respectively.

23 5. On December 27, 2013, Moore filed his Notice Of Hearing On Creditor Charles
24 H. Moore's Supporting Motion (To The Creditor's Committee Motion) For Order Appointing
25 Chapter 11 Trustee And Removing Debtor In Possession (the "Moore Motion To Appoint
26 Trustee"), purportedly setting a January 9, 2014 deadline for response.

1 6. On January 3, 2014, the following documents were filed: (1) Creditor Charles H.
2 Moore's Joinder In Motion Of The Creditors' Committee For Order Appointing Chapter 11
3 Trustee And Removing Debtor In Possession; (2) Creditor Charles H. Moore's Points And
4 Authorities In Support Of Joinder In Creditors' Committee's Motion To Appoint Chapter 11
5 Trustee And To Remove Debtor-In-Possession; (3) A Coversheet Re: Declaration Of Charles H.
6 Moore In Support Of Supporting Motion To Appoint Chapter 11 Trustee And To Remove
7 Debtor-In-Possession Filed In Support Of Joinder In Motion Of Creditors' Committee To
8 Appoint Chapter 11 Trustee And To Remove Debtor-In-Possession; And (4) Creditor Charles H.
9 Moore's Request For Judicial Notice In Support Of His Joinder In The Motion Of The Creditors'
10 Committee To Appoint A Chapter 11 Trustee And Remove Debtor In Possession (collectively,
11 the "Joinder"). Simultaneously, Moore filed and served the OST Application.
12

13 7. Moore admits in the OST Application that his "... Joinder sets forth additional
14 facts and arguments ... " allegedly supportive of the OCUC Motion to Appoint Trustee. OST
15 Application, 2:11-12. Moore further admits that he "... does not have time before the Motion
16 hearing date to submit his Joinder without an order allowing the filing of such motion on a time-
17 shortened basis." OST Application, 3:1-3. Finally, Moore admits that he filed the Joinder and
18 OST Application with the knowledge that TPL's counsel was unavailable until January 6, 2013.
19 OST Application, 3:18-20.
20

21 8. The OST Application should be denied for the following reasons: first, Moore's
22 counsel was present in Court on December 18, 2013, when the hearing and briefing schedule on
23 the OCUC Motion to Appoint Trustee was set. Moore did not then appear on the record or
24 indicate that he planned to file a companion motion. Rather, Moore waited 9 days to file
25 anything at all and, two days after Christmas, purported to insert himself into the Court ordered
26
27

1 briefing schedule without notice to the Court or TPL. Second, the Joinder and 40 pages of
2 supporting pleadings and authorities were filed a mere 6 days before the proposed response date
3 (including 3 days during which TPL's counsel was known to be unavailable). If shortened time
4 were granted, TPL would be prejudiced by an inability to respond fully. Finally, Moore is an
5 interested party who would, by his own admission it seems, benefit personally and substantially
6 from the appointment of a trustee in this case. While the relief Moore seeks is identical to that of
7 the OCUC, the cause alleged seems to be different, and the basis for opposing Moore request
8 will undoubtedly be quite different than what TPL is dealing with in the OCUC Motion to
9 Appoint Trustee.
10

11 WHEREFORE, for all the reasons set forth above, TPL respectfully requests that the
12 Court deny the OST Application.

13 Dated: January 6, 2013

BINDER & MALTER, LLP

14
15 By: /s/ Robert G. Harris

Robert G. Harris

16 Attorneys for Debtor and Debtor-in-Possession
17 TECHNOLOGY PROPERTIES LIMITED LLC
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TECHNOLOGY PROPERTIES LIMITED LLC

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5

In re

TECHNOLOGY PROPERTIES LIMITED,
LLC,

Debtor.

Case No.: 13-51589SLJ

Chapter 11

Date: TBD

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Place: United States Bankruptcy Court
280 S. 1st St., Courtroom 3099
San Jose, California

Judge: Honorable Stephen L. Johnson

**DECLARATION OF ROBERT G. HARRIS IN SUPPORT OF OPPOSITION BY TPL
TO EX PARTE MOTION FOR ORDER SHORTENING TIME FOR HEARING ON
CHARLES H. MOORE'S JOINDER TO MOTION OF THE CREDITORS'
COMMITTEE DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE AND
REMOVING DEBTOR AS DEBTOR IN POSSESSION**

I, Robert G. Harris, 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 Technology Properties Limited, LLC ("TPL"),
debtor and debtor-in-possession in the above-captioned case.

2. I appeared in Court on December 18, 2013, in the above captioned case on behalf of TPL. I saw attorney Kenneth Prochnow, counsel for Charles H. Moore, in attendance before and throughout the scheduled hearing. I saw him again after the court hearing in the hall speaking with members of the Official Unsecured Creditors' Committee and their counsel.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 6th day of January, 2013, at Santa Clara, California.

/s/ ROBERT G. HARRIS
ROBERT G. HARRIS

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12 Attorneys for Debtor and Debtor In
13 Possession Technology Properties Limited, LLC

14
15 **UNITED STATES BANKRUPTCY COURT**
16
17 **NORTHERN DISTRICT OF CALIFORNIA, DIVISION 5**

18 In re

19 TECHNOLOGY PROPERTIES LIMITED,
20 LLC,

21 Debtor.

22 Case No: 13-51589 SLJ

23 Chapter 11

24 Date: TBD

25 Time: TBD

26 Place: United States Bankruptcy Court
27 280 S. 1st St., Courtroom 3099

28 San Jose, California

Judge: Honorable Stephen L. Johnson

CERTIFICATE OF SERVICE

I, Tam Tran, declare:

I am employed in the County of Santa Clara, California. I am over the age of eighteen (18) years and not a party to the within entitled cause; my business address is 2775 Park Avenue, Santa Clara, California 95050.

On January 6, 2014, I served a true and correct copy of the following document(s):

**OPPOSITION BY TPL TO EX PARTE MOTION FOR ORDER SHORTENING TIME
FOR HEARING ON CHARLES H. MOORE'S JOINDER TO MOTION OF THE
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COMMITTEE DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE AND
REMOVING DEBTOR AS DEBTOR IN POSSESSION**

via electronic transmission and the Court's CM/ECF notification system to the parties registered
to receive notice as follows:

U.S. Trustee

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Special Notice

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Special Notice

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7 Executed on January 6, 2014, at Santa Clara, California. I certify under penalty of
8 perjury that the foregoing is true and correct.

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/s/ Tam Tran
Tam Tran