



The following constitutes
the order of the court. Signed January 9, 2014

Stephen L. Johnson

Stephen L. Johnson
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

TECHNOLOGY PROPERTIES LIMITED,
LLC,

Debtor.

Case No. 13-51589-SLJ

Chapter 11

**ORDER DENYING EX PARTE APPLICATION TO FILE
EXHIBITS UNDER SEAL**

On December 17, 2013, Debtor filed an Ex Parte Application to File Exhibits to Declaration of Heinz Binder regarding TPL's Statement of Position regarding Application and Interpretation of Court Order Under Seal ("Application"), requesting an order to file Exhibits B through P to Binder's Declaration under seal. Debtor asserts that Exhibits B through P contain electronic communications between Debtor and the Committee and the disclosure of which would undermine the various procedures and confidentiality agreements between the Debtor and Committee.

Most of the communications do not touch on the substance or resolution of settlements but rather pertain to the procedures which the court already approved and is a matter of public

1 record. As to those few communications that involve the substance of settlements, the court fails
2 to see their relevancy because the court is unclear as to the purpose of the Statement of Position.
3 It appears to refute allegations made in the Committee's motion to appoint a trustee, but it is not
4 an opposition to the motion nor does it request any relief. In fact, the Application also requests
5 the opposition and reply to be filed under seal, so it appears Debtor will be filing an opposition to
6 the motion to appoint trustee. For these reasons, the Application will be denied without
7 prejudice. To the extent Debtor requests all or part of the opposition to the motion to appoint
8 trustee to be filed under seal, Debtor may file another application as it deems appropriate. Based
9 on the foregoing,

10 IT IS HEREBY ORDERED as follow:

- 11 1. The Application is DENIED.
- 12 2. The Clerk of the Court is directed to notify Debtor to retrieve the documents and
13 to hold the lodged documents for three days, and if not retrieved, dispose of them.
14 See C.L.R. 79-5(e), as incorporated by B.L.R. 1001-2(a).
- 15 3. Debtor may file all or part of the lodged documents in the public record within
16 four days of this Order, as provided in C.L.R. 79-5(e).

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18 ****** END OF ORDER ******
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UNITED STATES BANKRUPTCY COURT

For The Northern District Of California

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Court Service List [by mail and ECF]

[ECF Participants]