



The following constitutes  
the order of the court. Signed January 10, 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 FOR  
ORDER SHORTENING TIME**

Creditor Charles Moore ("Creditor") filed an Ex Parte Application for Ordering Shortening Time ("Application"), requesting the court to shorten notice on Creditor's Joinder to Motion of the Creditors' Committee Directing the Appointment of a Chapter 11 Trustee and Removing Debtor as Debtor in Possession ("Joinder Motion") so the Joinder Motion may be heard on January 23, 2013, at the same time as the Committee's motion to appoint trustee. Debtor filed an opposition to the Application.

At the hearing on December 18, 2013, for the approval of Debtor's disclosure statement, the court specially set January 23, 2014 as the date to have a hearing on approval of Debtor's revised disclosure statement, approval of Committee's disclosure statement, and Committee's

1 motion to appoint trustee.<sup>1</sup> In setting the hearing for January 23, 2014, the court explained at the  
2 hearing that the Committee's motion to appoint trustee raises significant issues and the court  
3 wants the Debtor to have a full opportunity to respond to the issues.

4 Creditor filed his Joinder Motion on January 3, 2014. Although the Application was filed  
5 on January 3, 2014, the order was uploaded on January 8, 2014. In addition to requesting a  
6 hearing on January 23, 2014, the Application requests that Debtor's opposition be due on January  
7 9, 2014, and Creditor's reply be due on January 16, 2014. The Application states that the Joinder  
8 Motion "sets forth additional facts and arguments that support the Committee Motion." The  
9 declaration of Creditor's counsel in support of the Application states that Debtor's counsel was  
10 out of town until January 6, 2014.

11 Because the Joinder Motion raises new facts and arguments, it defeats the purpose of the  
12 specially set hearing, which is to allow Debtor time to fully address the issues raised in the  
13 Committee's motion to appoint trustee, especially amid the holidays. Moreover, when the  
14 hearing date of January 23, 2014, was set, the court was cognizant of Debtor's counsel's other  
15 significant obligations in terms of addressing its and the Committee's disclosure statements.  
16 Given these facts, shortening time on the Joinder Motion would be unfair and prejudicial to  
17 Debtor.

18 For the foregoing reasons,

19 IT IS HEREBY ORDERED that the Application is DENIED.

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22 **\*\*\*\* END OF ORDER \*\*\*\***  
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27 <sup>1</sup> In support of Debtor's opposition to the Application, Debtor's counsel filed a declaration stating  
28 that Creditor's counsel attended the hearing on December 18, 2013. Creditor's counsel did not make  
an appearance on the record.

UNITED STATES BANKRUPTCY COURT

For The Northern District Of California

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Court Service List [by mail and ECF]

[ECF Participants]