

1 UNITED STATES BANKRUPTCY COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 In re:

Cases Substantively Consolidated

5 **ATI LIQUIDATING, INC.,**

6 formerly known as
Aviza Technology, Inc.,
Employer's Tax ID No.: 20-1979646

Case No. 09-54511- SLJ-11

7 **AI LIQUIDATING, INC.,**

8 formerly known as Aviza, Inc.,
Employer's Tax ID No.: 20-0249205

Case No. 09-54514-SLJ-11

9 **TTI LIQUIDATING, INC.,**

10 formerly known as
Trikon Technologies, Inc.,
Employer's Tax ID No.: 95-4054321

Case No. 09-54515-SLJ-11

11 Debtor(s).

12 440 Kings Village Road
Scotts Valley, CA 95066

Date: May 13, 2015

Time: 2:00 p.m.

Place: 280 S. First Street, Room 3099
San Jose, CA 95113

Judge: The Honorable Stephen L. Johnson

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14 **AMENDED NOTICE OF HEARING ON MOTION BY SHAREHOLDERS, PURSUANT TO 11 U.S.C.**
15 **§§ 105(a) AND 1142 AND BANKRUPTCY RULE 3020(d), FOR AN ORDER IN AID OF**
16 **IMPLEMENTATION OF CONFIRMED CHAPTER 11 PLAN REGARDING**
17 **DISTRIBUTIONS TO BENEFICIAL OWNERS OF PUBLICLY TRADED STOCK**

18 **To: PARTIES IN INTEREST:**

19 **PLEASE TAKE NOTICE** that on April 3, 2015, Dvir Weinberg and Yehuda Weinberg (together, the
20 "Weinbergs") filed their *Motion By Shareholders Pursuant to 11 U.S.C. §§ 105(a) and 1142 and Bankruptcy*
21 *Rule 3020(d), For an Order In Aid of Implementation of Confirmed Chapter 11 Plan Regarding Distributions to*
22 *Beneficial Owners of Publicly Traded Stock* (the "Motion").

23 **PLEASE TAKE FURTHER NOTICE** the Motion is supported by: (1) the *Motion* and its included
24 Memorandum of Points and Authorities; (2) the *Declaration of Dvir Weinberg In Support of Motion By*
25 *Shareholders Pursuant To 11 U.S.C. §§ 105(a) And 1142 And Bankruptcy Rule 3020(d), For An Order In Aid Of*
26 *Implementation Of Confirmed Chapter 11 Plan Regarding Distributions To Beneficial Owners Of Publicly*
27 *Traded Stock* ("Weinberg Decl."); (3) the *Declaration of Jerrold L. Bregman In Support of Motion By*
28 *Shareholders Pursuant To 11 U.S.C. §§ 105(a) And 1142 And Bankruptcy Rule 3020(d), For An Order In Aid Of*
29 *Implementation Of Confirmed Chapter 11 Plan Regarding Distributions To Beneficial Owners Of Publicly*
30 *Traded Stock* (the "Bregman Decl."); and the (4) *Amended Notice of Motion By Shareholders, Pursuant To 11*
31 *U.S.C. §§ 105(a) And 1142 And Bankruptcy Rule 3020(d), For An Order In Aid Of Implementation Of*
32 *Confirmed Chapter 11 Plan Regarding Distributions To Beneficial Owners Of Publicly Traded Stock* (the
33 "Notice of Hearing"). **You may receive a free copy of the Motion, the Weinberg Decl., the Bregman**
34 **Decl. and the Amended Notice of Hearing** on the Internet at: <http://d3avizatechnology.com/>, or you may
35 request these documents by contacting the Weinbergs' legal counsel (the "Weinbergs' Counsel") by e-mail or
36 U.S. mail as follows: email: jbregman@ebg-law.com; U.S. mail: Ezra Brutzkus Gubner LLP, attn. Jerrold
37 Bregman, 216509 Oxnard Street, Suite 500, Woodland Hills, CA 91367.

PLEASE TAKE FURTHER NOTICE that the Motion seeks a Bankruptcy Court Order ruling as follows:

a. Section 3.5 of the Plan shall be understood to confirm that in selling the Gap Shares¹ in the public stock market after the Plan Record Date, the Gap Sellers thereby transferred to the Gap Buyers all legal, equitable and contractual rights associated with the shares, including, without limitation, the right to receive any future return of capital, or Plan distribution, in respect of such shares.

b. Anyone holding an Undistributed Portion, including, without limitation, any broker, shall immediately return it to the Debtors without any further court order.

c. Each Qualified Gap Buyer (as defined below) shall receive a distribution from the Debtors by no later than the first business day that is at least 45 days after the date such Gap Buyer becomes a Qualified Gap Buyer, equal to the number of the shares beneficially owned by such person as of the First Distribution Date multiplied by the First Distribution Rate, to be funded with the Unclaimed Distributions plus other funds on hand.

d. A “Qualified Gap Buyer” is a person who has demonstrated to the Debtors’ reasonable satisfaction, by no later than 21 days after the date this Order is entered on the Court’s docket (the “Validation Date”), that such person (i) is a Gap Buyer who purchased Gap Shares in the public markets after the Plan Record Date, and who (ii) beneficially owned such shares as of the First Distribution Date. The deadline of the Validation Date shall be automatically extended for anyone claiming to be a Gap Buyer who provides to the Debtors by the initial Validation Date what appears to be one or more bona fide confirmation(s) of purchase of Gap Shares, which extension shall run until the time that a settlement of any dispute about such validation is achieved consensually or by final court order. Any Gap Buyer who provides such proof of beneficial ownership as of the First Distribution Date to the Debtors by the Validation Date, as such date may be extended by the terms of this paragraph, shall be deemed to be a Qualified Gap Buyer unless the Debtors, within 10 days of receiving such documentation, deliver a letter to such Gap Buyer describing any reason the Debtors believe such documentation is not acceptable. **Any Gap Buyer who fails to provide any such apparently bona fide documentation by the Validation Date shall be forever barred from receiving any return of capital, or distribution under the Plan, in respect of such Gap Shares.**

e. Any future distributions under the Plan in respect of the non-certificated shares shall be made through DTC with instructions that such distribution(s) belong to the beneficial owners as of the Trading End Date.

f. The Bankruptcy Court, or other court with jurisdiction over the Debtors’ chapter 11 cases, shall retain the exclusive jurisdiction to interpret and enforce this Order, and to adjudicate any claims against anyone arising from the facts upon which the Motion was made.

PLEASE TAKE FURTHER NOTICE that on **May 13, 2015, at 2:00 p.m.** a hearing on the Motion will be held before The Honorable Stephen L. Johnson, United States Bankruptcy Judge for the Northern District of California (the “Bankruptcy Court”), in his Courtroom located at 280 S. First Street, Room 3099, San Jose, California 95113.

PLEASE TAKE FURTHER NOTICE that in accordance with Rule 9014-1 (c)(1) of the Local Rules of the Bankruptcy Court, any opposition to the Motion shall be filed, and served on the Weinberg’s Counsel (at the address above), at least fourteen (14) days prior to the actual scheduled hearing date. If you fail to file and serve your objection to the Motion in accordance with the foregoing, the Bankruptcy Court may grant the relief requested in the Motion without holding a hearing thereon or any further notice.

Dated: April 6, 2015

EZRA BRUTZKUS GUBNER LLP

By: /s/ Jerrold L. Bregman

Jerrold L. Bregman

Attorneys for Dvir Weinberg and Yehuda Weinberg

¹ All capitalized words not herein described have the meanings ascribed to them in the Motion.