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9 Attorneys for shareholders Dvir Weinberg and Yehuda Weinberg

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 In re:

Cases Substantively Consolidated

14 **ATI LIQUIDATING, INC.,**
15 formerly known as
16 Aviza Technology, Inc.,
17 Employer's Tax ID No.: 20-1979646

Case No. 09-54511- SLJ-11

18 **AI LIQUIDATING, INC.,** formerly
19 known as Aviza, Inc., Employer's
20 Tax ID No.: 20-0249205

Case No. 09-54514-SLJ-11

21 **TTI LIQUIDATING, INC.,**
22 formerly known as
23 Trikon Technologies, Inc.,
24 Employer's Tax ID No.: 95-4054321

Case No. 09-54515-SLJ-11

25 Debtor(s).

26 440 Kings Village Road
27 Scotts Valley, CA 95066

28 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

29 **DECLARATION OF JERROLD L. BREGMAN IN SUPPORT MOTION BY**
30 **SHAREHOLDERS PURSUANT TO 11 U.S.C. §§ 105(a) AND 1142**
31 **AND BANKRUPTCY RULE 3020(d), FOR AN ORDER IN AID OF**
32 **IMPLEMENTATION OF CONFIRMED CHAPTER 11 PLAN REGARDING**
33 **DISTRIBUTIONS TO BENEFICIAL OWNERS OF PUBLICLY TRADED STOCK**

1 I, Jerrold L. Bregman, declare:

2 1. I am an attorney and counsel for Dvir Weinberg and Yehuda Weinberg (together, the
3 “Weinbergs”) in connection with the contemporaneously filed *Motion By Shareholders Pursuant to 11*
4 *U.S.C. §§ 105(a) and 1142 and Bankruptcy Rule 3020(d), For an Order In Aid of Implementation of*
5 *Confirmed Chapter 11 Plan Regarding Distributions to Beneficial Owners of Publicly Traded Stock*
6 (the “Motion”).

7 2. I am over 18 years of age. Except as otherwise indicated, all facts set forth in this
8 Declaration are based upon: (a) my personal knowledge and (b) my personal review of the relevant
9 documents. If called as a witness, I could and would competently testify to the facts set forth in this
10 Declaration.
11

12 3. I submit this Declaration in support of the Motion.¹

13 4. On November 17, 2014, I sent an email to Robert Franklin, the Debtor’s counsel, which
14 was further to our informal agreement to allow me to obtain documentary discovery on an informal
15 basis without first obtaining an order of this Court. By that email, I transmitted a draft Subpoena for
16 Rule 2004 Examination directed to Patrick C. O’Connor, the Responsible Person (the “Draft
17 Subpoena”). A true and correct copy of this Draft Subpoena is hereto attached as “Exhibit A”.

18 5. On February 5, 2015, I received from the Debtor’s counsel the two-page *Responses to*
19 *Requests for Production Set Forth on Exhibit A to Subpoena For Rule 2004 Examination*, a true and
20 correct copy of which is hereto attached as “Exhibit B”.

21 6. The documents produced to us by the Debtor in response to the Draft Subpoena
22 included multiple substantially similar letters, each dated November 13, 2013, from Mr. O’Connor to
23 different brokers, including, for example, Mr. O’Connor’s letter to TD Ameritrade Clearing, a true and
24 correct copy of which (with my yellow highlighting) is attached hereto as “Exhibit C”.

25
26
27 _____
28 ¹ Terms that are not herein defined shall have the meanings ascribed to them in the Motion.

1 7. The documents produced to us by the Debtor in response to the Draft Subpoena also
2 include Mr. O'Connor's letter addressed to "Aviza Stockholders", dated November 13, 2013, a true
3 and correct copy of which (with my yellow highlighting) is hereto attached as "**Exhibit D**". I
4 understand from the letter in Exhibit C hereto, that a copy of this letter in Exhibit D was sent to brokers
5 enclosed with the letters of the type attached hereto as Exhibit C.

6 8. The documents produced to us by the Debtor in response to the Draft Subpoena also
7 include a copy of a check from the Debtors payable to State Street Bank & Trust Co., dated November
8 11, 2013, inclusive of the check stub and related writing under the check, a true and correct copy of
9 which (including the underlining in pen, which was on the copy received from counsel) is hereto
10 attached as "**Exhibit E**".

11 9. The documents produced to us by the Debtor in response to the Draft Subpoena also
12 include correspondence between Beth Lawson and Mr. O'Connor, including the email of September
13 26, 2013, a true and correct copy of which (as redacted) is hereto attached as "**Exhibit F**".

14 10. I am informed and believe that the Debtor's counsel was aware of the existence of Gap
15 Buyers months before the First Distribution Date. This information and belief is based on, among
16 other things, my telephone conversation with Beth Lawson of March 2, 2015, during which she
17 described for me the substance of her communications and correspondence with Mr. O'Connor (in
18 Exhibit F hereto). I understand from Ms. Lawson that she had represented certain Gap Buyers, and
19 that she had spoken with Mr. O'Connor on at least one phone call that occurred in or before September
20 of 2013, and that she had tried to convince him that the Gap Shares Distribution should be sent to
21 DTC, as the record holder of such shares as of the Plan Record Date.

22 11. I have reviewed the docket in the Debtors' Chapter 11 cases. I see no indication on the
23 docket that the Debtor, in connection with the Gap Shares Distribution, ever filed any motion or
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28

Exhibit A

UNITED STATES BANKRUPTCY COURT

Northern District of California, San Jose Division

In re: ATI Liquidating, Inc., et al. Debtor

Case No. 09-54511-RLE-11 (Substantively Consolidated) Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: PATRICK C. O'CONNOR, in his capacity as the Disbursing Agent under Debtors' confirmed chapter 11 plan (Name of person to whom the subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

Table with 2 columns: PLACE [CONTRACT CONFERENCE ROOM IN SAN JOSE] and DATE AND TIME [TO BE AGREED BY THE PARTIES OR OTHERWISE NOTICED BY MOVANT ON NOT LESS THAN 20 CALENDAR DAYS NOTICE]

The examination will be recorded by this method: Stenography in addition to audio and/or video technology.

Production: You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

SEE "EXHIBIT A" ATTACHED HERETO, HEREBY INCORPORATED

Time and Place of Production: [Time and Date 7 days before the Examination] to Jerrold L. Bregman at the following address: Ezra Brutzkus Gubner LLP, 21650 Oxnard Street, Suite 500, Woodland Hills, CA 91367

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) Dvir Weinberg and Yehuda Weinberg, who issues or requests this subpoena, are:

Jerrold L. Bregman; Ezra Brutzkus Gubner LLP, 21650 Oxnard Street, Suite 500, Woodland Hills, CA 91367 Tel.: (818) 827-9000; E-mail: jbregman@ebg-law.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true and correct.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A TO SUBPOENA FOR RULE 2004 EXAMINATION

ARTICLE I:

DEFINITIONS

As used in the listing below of Documents (as defined below) and other information to be provided in response to the Subpoena to which this Exhibit A is annexed, the following words shall have the meanings provided below:

1. “And” and “or” means and includes both the conjunctive and disjunctive.
2. “ATI” means ATI Liquidating, Inc., formerly known as Aviza Technology, Inc.
3. “ATI Stock” means the stock of ATI that was issued and held by Persons other than ATI as of the Record Date.
4. “Bankruptcy Case” means the Debtors’ bankruptcy cases pending in the Bankruptcy Court as: ATI Liquidating, Inc., Case No. 09-54511-RLE-11; AI Liquidating, Inc., Case No. 09-54514-RLE-11; and TTI Liquidating, Inc., Case No. and 09-54515-RLE-11.
5. “Bankruptcy Court” means the United States Bankruptcy Court for the Northern District of California, San Jose Division.
6. “Beneficial Owner” means any Person who was entitled to the benefits of ownership of any shares of ATI Stock as of the Record Date, whether or not such Person was also a Record Holder.
7. “Confirmation Order” means the order of the Bankruptcy Court confirming the Debtor’s Plan, which order was entered in the Bankruptcy Case on or about April 9, 2010.
8. “Debtor” means any or all of the debtors as reorganized, restructured, or liquidated pursuant to the Plan.
9. “Disbursing Agent” means Patrick C. O’Connor in his capacity as the Disbursing Agent appointed pursuant to the Confirmation Order.
10. “Distribution Calculation Date” means the date the Disbursing Agent approved the list that was used for the First Distribution, which specifies the identity of, and amount of the distribution to be made to, each of the Stockholders to whom a portion of the First Distribution was sent.

11. “Distribution” means any value sent by the Disbursing Agent, intended to be pursuant to the Plan, to any Person in connection with the First Distribution.
12. “Documents” has the same meaning as used in Federal Rule of Civil Procedure 34(a), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7034, including, without limitation, all writings of whatever nature, including originals, drafts and copies thereof, whether typed, handwritten, printed, **electronically stored or otherwise**, lists, ledgers, checks, check stubs, receipts, check registers, promissory notes, journals, worksheets, accounts, letters, notes, logs, codes, reports, memoranda, analyses, charts, graphs, drawings, books, statements, dates, copies, summaries, diaries, transcripts, agreements, minutes, manuals, photographs, photocopies, phone records, microfilm, tapes, wires, telegrams, telexes, cables, audio or video tape recordings, computer discs and other electronic or mechanical records, however produced or reproduced or stored.
13. “First Distribution” means the distribution of cash to Stockholders under the Plan, which was caused by the Disbursing Agent to be made in or about November 2013.
14. “Person” means an individual, partnership, corporation, company or entity.
15. “Plan” means the Debtors’ Joint Plan of Liquidation, dated March 2, 2010, as amended, confirmed by the Bankruptcy Court pursuant to the Confirmation Order.
16. “Record Date” means May 24, 2010, as specified in paragraph 9 of the Confirmation Order.
17. “Record Holder” means any Person in whose name any ATI Stock was registered with the Debtor or any of its transfer agents as of the Record Date.
18. “Refer” or “relate” means to memorialize, mention, describe, pertain to, be connected with, constitute, evidence or reflect upon a stated subject matter, whether directly or indirectly.
19. “Response Date” means the date of the service upon you of the Subpoena to which this document request is attached.
20. “Shareholder Location Service” means any Person whose business includes locating and/or selling information about owners of equity securities.
21. “Stockholders” has the same meaning as “Equity Security Holders” as used in the Plan.
22. “Transfer Ledgers” means the stock transfer ledgers of ATI as of the Record Date.
23. The use of the singular form of a word includes the plural and vice-versa.

ARTICLE II:

INSTRUCTIONS

1. If the attorney-client privilege, work product doctrine, or other privilege is asserted as a ground for withholding production of one or more Documents, in whole or in part, the response hereto shall identify the nature of the privilege being claimed. The response hereto shall identify each Document as to which such privilege is asserted and provide the following information: (i) the type of Document(s); (ii) the place, date and manner of recording or otherwise preparing the Document(s); (iii) the name and title of the author, and the name and title of the recipient(s) of the Document(s); (iv) the general subject matter of the Document(s); (v) a statement of the basis on which a privilege is claimed and whether or not the subject matter of the contents of the Document is limited to legal advice or information provided for the purpose of receiving legal advice; and (vi) such other information as necessary to identify the Document.
2. If any otherwise responsive Document has been, but is no longer, in the possession, custody or control of the producing party, each such Document is to be identified by stating: (i) each addressor and addressee; (ii) the addresses of any indicated blind copies; (iii) the date, subject matter and number of pages of the Document; (iv) the identity of any attachments or appendices to the Document; (v) all persons to whom the Document was distributed, shown or explained; (vi) its date of destruction, discard or loss; and (vii) the persons authorizing and carrying out such destruction or discard.
3. This request calls for Documents within your possession, custody or control. A Document is deemed to be in control of the party responding if that party has the right to obtain the Document or a copy thereof from another person or public or private entity having actual possession thereof.
4. Documents produced in response to this Request shall be organized and designated to correspond to the categories in this request or produced as they are kept in the usual course of business and identified as to the request or requests to which they are responsive.
5. This request is a continuing one to the extent permitted by the Federal Rules of Civil Procedure and any Document obtained subsequent to production which would have been subject to production had it been available or its existence known at the time of production, shall be produced forthwith.
6. Notwithstanding the foregoing, in the event that more than one Document contains all of the information that is requested, you may produce only that one Document that contains all of the requested information so long as you include a statement, under penalty of perjury, that the Document includes all of the requested information.

ARTICLE III:

DOCUMENTS TO BE PRODUCED

1. All Transfer Ledgers as of the Record Date.
2. All Transfer Ledgers as of the Distribution Calculation Date.
3. All Transfer Ledgers as of the Response Date.
4. All Documents (other than Transfer Ledgers) showing the identity of the Record Holders as of the Record Date.
5. All Documents (other than Transfer Ledgers) showing the identity of the Record Holders as of the Distribution Calculation Date.
6. All Documents that were prepared, or used, by the Disbursing Agent for determining to whom the various portions of the Distribution would be distributed.
7. All Documents showing instructions for effectuating the First Distribution, including, without limitation, instructions issued by or on behalf of the Debtor to any (i) transfer agent, and/or any (ii) financial institution, and/or any (iii) financial clearing house.
8. All Documents showing all Persons to whom the Disbursing Agent sent any Distributions.
9. All Documents authorizing the First Distribution (other than the Plan and its accompanying disclosure statement, and the Confirmation Order).
10. All Documents reflecting the terms of engagement of any Shareholder Location Service to the extent such engagement was related to the First Distribution.
11. All Documents provided by any Shareholder Location Service relating to the First Distribution.
12. All Documents reflecting any communications between the Disbursing Agent and any Person who claimed to own any interest at any time in ATI Stock who complained of not receiving a portion of the First Distribution.
13. All Documents showing any communication by the Debtor to any third parties for the purpose of stopping the public trading of any of the Debtor's securities, including, without limitation, ATI Stock.

* * * END * * *

Exhibit B

RESPONSES TO REQUESTS FOR PRODUCTION SET FORTH ON
EXHIBIT A TO SUBPOENA FOR RULE 2004 EXAMINATION

DOCUMENTS TO BE PRODUCED

1. All Transfer Ledgers as of the Record Date.

The Reorganized Debtors do not hold any Transfer Ledgers. They did work with two companies - InvestorCom, Inc. and American Stock Transfer & Trust Company, LLC - to obtain the shareholders of record for the Record Date and distribution date. See Bates Nos. ATI_0000001 - ATI_0000002; ATI_0000249 - ATI_0000252; ATI_0000490 - ATI_0000493; ATI_0000723 - ATI_0000726.

2. All Transfer Ledgers as of the Distribution Calculation Date.

See response to No. 1.

3. All Transfer Ledgers as of the Response Date.

The Reorganized Debtors do not hold any Transfer Ledgers.

4. All Documents (other than Transfer Ledgers) showing the identity of the Record Holders as of the Record Date.

See Bates Nos. ATI_0000028 - ATI_0000218; ATI_0000253 - ATI_00000467; ATI_0000494 - ATI_0000712; ATI_0000727 - ATI_0000941; ATI_0001361 - ATI_0001587; ATI_0001599 - ATI_0001825; ATI_0001831 - ATI_0002057

5. All Documents (other than Transfer Ledgers) showing the identity of the Record Holders as of the Distribution Calculation Date.

See Bates Nos. ATI_0001030 - ATI_0001246.

6. All Documents that were prepared, or used, by the Disbursing Agent for determining to whom the various portions of the Distribution would be distributed.

See response to No. 5.

7. All Documents showing instructions for effectuating the First Distribution, including, without limitation, instructions issued by or on behalf of the Debtor to any (i) transfer agent, and/or any (ii) financial institution, and/or any (iii) financial clearing house.

See Bates Nos. ATI_0000024 - ATI_0000027; ATI_0000219 - ATI_0000222; ATI_0000478 - ATI_0000479; ATI_0000715; ATI_0001250 - ATI_0001273.

8. All Documents showing all Persons to whom the Disbursing Agent sent any Distributions.

See responses to Nos. 4, 5 and 7.

9. All Documents authorizing the First Distribution (other than the Plan and its accompanying disclosure statement, and the Confirmation Order).

None. The Reorganized Debtors relied on the Confirmation Order. In addition, the Reorganized Debtors modified the Plan and provided notice of such modification to Record Date stockholders. See Bates Nos. ATI_0000241 - ATI_0000248

10. All Documents reflecting the terms of engagement of any Shareholder Location Service to the extent such engagement was related to the First Distribution.

The Reorganized Debtors did not use a Shareholder Location Service.

11. All Documents provided by any Shareholder Location Service relating to the First Distribution.

See response to No. 10.

12. All Documents reflecting any communications between the Disbursing Agent and any Person who claimed to own any interest at any time in ATI Stock who complained of not receiving a portion of the First Distribution.

See Bates Nos. ATI_0000003 - ATI_0000023; ATI_0000223 - ATI_0000238; ATI_0000468 - ATI_0000477; ATI_0000480 - ATI_0000485; ATI_0000716 - ATI_0000722; ATI_0000942 - ATI_0001029; ATI_0001247 - ATI_0001249; ATI_0001274 - ATI_0001360; ATI_0001588 - ATI_0001598; ATI_0001826 - ATI_0001830; ATI_0002058 - ATI_0002090.

13. All Documents showing any communication by the Debtor to any third parties for the purpose of stopping the public trading of any of the Debtor's securities, including, without limitation, ATI Stock.

See Bates Nos. ATI_0000001 - ATI_0000002; ATI_0000239 - ATI_0000240; ATI_0000478 - ATI_0000479; ATI_0000486 - ATI_0000489.

* * * END * * *

Exhibit C

November 13, 2013

Compliance Officer

TD Ameritrade Clearing
200 South 108TH Avenue
Omaha NE 68127

RE: Aviza Technology Inc., Stock Symbol: AVZA CUSIP 05381A05
AVZA.Q (CIK No. 1311396)

To Whom May It Concern:

ATI Liquidating Inc, formerly known as Aviza Technology Inc, was a public company on NASDAQ listed under stock symbol AVZA, CUSIP 05381A05. ATI filed for protection under the Bankruptcy Code Chapter 11 on June 9, 2009. Pursuant to the Joint Plan of Liquidation (the Plan) which was confirmed on April 8, 2010 by Court Order, ATI obtained a stockholder listing as of the court approved record date of May 24, 2010. Your brokerage's firm was listed as a Nominee (Street Name) for beneficial owner(s) of record holding AVZA or AVZA.Q.

The Bankruptcy Court has approved a Distribution in the form of a partial liquidation or Return of Capital in the equivalent amount of \$0.054903643 per share.

According to our records, your firm held 111,794 shares of AVZA stock, as of the Record Date. Enclosed is our check number, 75457, dated November 11, 2013, in the amount of \$6,137.90. As provided in the Plan, it is your responsibility to distribute the pro rata amount to **each current beneficial owner of Record**. Any funds not distributed to the beneficial owner(s) must be return to ATI for the benefit of remaining stockholders.

In addition, enclosed is a copy of my letter to all shareholders posted on our website which I recommend you forward to **each of the current Beneficial Owner(s) of Record**, which will provide information on this Distribution.

If you have any questions, please phone me at (831) 439-6360.

Very truly yours,

Patrick C. O'Connor
Chief Restructuring Officer
ATI Liquidating, Inc.

Enclosures (2)

ATI LIQUIDATING, INC.

Formerly Aviza Technology, Inc.

www.aviza.com

440 Kings Village Road
Scotts Valley, California 95066

Exhibit D

November 13, 2013

To: Stockholders of Record at May 24, 2010

Re: ATI Liquidating, Inc. (formerly Aviza Technology, Inc.), et al.
Case No. 09-54511 (substantively consolidated with Case Nos 09-54514 and 09-54515)
Stock Symbol AVZA CUSIP 05381A05 (AVZAQ CIK No. 1311396)
Distribution Pursuant to Joint Plan of Liquidation

Dear Aviza Stockholders:

As you know, the Joint Plan of Liquidation (the "Plan") for ATI Liquidating, Inc. (formerly Aviza Technology, Inc.) was confirmed pursuant to the Court's Order entered on April 8, 2010 (the "Confirmation Order"). The Plan provided for, among other things, the creation of several classes of creditors to be paid under the Plan according to the priorities of the Bankruptcy Code. All of the creditors have been paid. Now, we have released certain funds available for Distribution (as defined in the Plan) on a pro rata basis to stockholders on the Record Date of May 24, 2010, as established in the Confirmation Order.

This initial Distribution payment represents a partial liquidation made pursuant to the terms of the Plan. The pro rata distribution is currently \$0.054903643 per common share, less any broker fees. Pursuant to the Plan, this Distribution is being sent only to record holders of ATI common stock as of the Record Date. Distributions to a beneficial owner whose shares were held in "nominee" or "street" name are being made to the applicable broker or account representative. The beneficial owner is responsible for assuring that the nominee transmits to them any Distribution received from ATI.

Distributions of less than \$10.00 will not be made and shall carry over to the next or final distribution date until the cumulative amount to which the stockholder is entitled is at least \$10.00.

Any Distribution that remains unclaimed or un-negotiated for ninety (90) days following a Distribution or is returned for reasons other than the absence of a current or correct address (unless a current or correct address cannot be determined after reasonable inquiry) shall become the property of ATI and be considered Available Cash (as defined in the Plan) for future Distributions pursuant to the Plan.

I have deeply appreciated your support and consideration during our liquidation activity. I am committed to providing you the highest return as we continue the process of liquidating the remaining assets and managing our liquidation partners and loyal customers.

Yours very truly,

Patrick C. O'Connor
Chief Restructuring Officer
ATI Liquidating, Inc.

ATI LIQUIDATING, INC.

Formerly Aviza Technology, Inc.

www.aviza.com

440 Kings Village Road
Scotts Valley, California 95066

Exhibit E

AI LIQUIDATING, INC.
440 KINGS VILLAGE ROAD
SCOTTS VALLEY, CA 95066

BANK OF AMERICA
SAN FRANCISCO, CALIFORNIA

75450

11-35/1210 GA.
CT355

11-Nov-2013

PAY
TO THE
ORDER OF

State Street Bank & Trust Co.

\$ 18,609.64

Eighteen Thousand Six Hundred Nine Dollars and Sixty Four Cents

DOLLARS

MEMO State Street Bank & Trust Co.
1776 Heritage Drive
Quincy, MA 2171
Quincy

VOID AFTER 180 DAYS

AUTHORIZED SIGNATURE

REDACTED

Security features included. Details on bank.

AI LIQUIDATING, INC.

75450

Date 11-Nov-2013 Payee: State Street Bank & Trust Co.

Claims Class	Record Date	Description	Amount
Class 10	24-May-10	BK Case #09-54511-SLJ-11. AVIZA TECHNOLOGY.	\$18,609.64

This distribution is a return of capital, not a dividend. Stock name: AVIZA TECHNOLOGY INC.
Symbol: AVZA /CUSIP 05381A105 (AVZAQ CIK No. 1311396)

Any distribution that remains unclaimed or un-negotiated for ninety (90) days following a distribution or is returned for reasons other than the absence of a current or correct address (unless a current or correct address cannot be determined after reasonable inquiry) shall become the property of the Reorganized Debtors and be considered Available Cash.

Exhibit F

From: Beth Lawson [REDACTED]
Sent: Thursday, September 26, 2013 1:41 PM
To: Pat O'Connor
CC: Kwame Baah-Gyimah
Subject: Conference Call regarding ATI Liquidating Proposed Distribution (AVZAQ)

Mr. O'Connor,
I have scheduled a call for 2:00 pm Eastern Time (11:00 am Pacific Time), on Tuesday Oct. 1. Please confirm that this time works for you. I will circulate a call in-number via a separate email.

The Financial Industry Regulatory Authority, Inc. (FINRA) representative who will be joining us on the call is Kwame Baah-Gyimah, Team Leader, Dividend Section. Mr. Baah-Gyimah's phone number is 866-776-0800, option 1 (Dividends). If you would like to verify his status at FINRA, you could call FINRA's main number at (301) 590-6500.

Mr. Baah-Gyimah also plans on inviting a representative from The Depository Trust Company (DTC). I will provide you that person's name and contact information once we have confirmed who that person will be.

Also, as you requested, I will send you an affidavit from our firm and account statements from our client shortly.

Thank you for your time. Best regards,

Beth

--

Beth N. Lawson, Esq.
The Nelson Law Firm, LLC



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This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that you should not read the message or any attachments and that any disclosure, copying, distribution or use of this information is prohibited. If you have received this e-mail in error, please notify us immediately by return e-mail and delete this message and any attachments without retaining a copy. Thank you.

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