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8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 In re:) Cases Substantively Consolidated
12)
13 **ATI LIQUIDATING, INC.,**) Case No. 09-54511-SLJ-11
14 formerly known as)
Aviza Technology, Inc.,)
Employer's Tax ID No.: 20-1979646)
15)
16 **AI LIQUIDATING, INC.,**) Case No. 09-54514-SLJ-11
17 formerly known as Aviza, Inc.,)
Employer's Tax ID No.: 20-0249205)
18)
19 **TTI LIQUIDATING, INC.,**) Case No. 09-54515-SLJ-11
20 formerly known as)
Trikon Technologies, Inc.,)
Employer's Tax ID No.: 95-4054321)
21 Debtor(s).) *[No hearing required unless requested]*
22 440 Kings Village Road)
Scotts Valley, CA 95066)
23)

24 **NOTICE AND OPPORTUNITY FOR HEARING RE MOTION REQUESTING**
25 **(1) ENTRY OF FINAL DECREE AND (2) AUTHORITY TO DESTROY RECORDS**

26 **To: THE UNITED STATES TRUSTEE AND OTHER PARTIES IN INTEREST:**

27 **PLEASE TAKE NOTICE** that pursuant to Federal Rule of Bankruptcy Procedure ("Rule")
28 3022, Bankruptcy Local Rule ("B.L.R.") 3022-1, and 11 U.S.C. § 350, ATI Liquidating, Inc.,

1 formerly known as Aviza Technology, Inc. (“ATI”), AI Liquidating, Inc., formerly known as Aviza,
2 Inc. (“AI”), and TTI Liquidating, Inc., formerly known as Trikon Technologies, Inc. (“TTI,” and
3 collectively with ATI and AI, the “Company” or the “Reorganized Debtors”) have filed their
4 MOTION REQUESTING (1) ENTRY OF FINAL DECREE AND (2) AUTHORITY TO DESTROY RECORDS (the
5 “Motion”) requesting that the Court close the within bankruptcy cases and authorize the Reorganized
6 Debtors to abandon, destroy and otherwise dispose of any books, records, or papers in their
7 possession or under their control. The Motion is made on the grounds that the DEBTORS’ JOINT PLAN
8 OF LIQUIDATION (DATED MARCH 2, 2010) [D.E. 490] (as amended¹, the “Plan”) confirmed in these
9 cases is substantially consummated, and there remain no matters that require adjudication by the
10 Court. The Motion is based on the Motion itself, this NOTICE AND OPPORTUNITY FOR HEARING RE
11 MOTION REQUESTING (1) ENTRY OF FINAL DECREE AND (2) AUTHORITY TO DESTROY RECORDS, the
12 DECLARATION OF PATRICK C. O’CONNOR IN SUPPORT OF MOTION REQUESTING (1) ENTRY OF FINAL
13 DECREE AND (2) AUTHORITY TO DESTROY RECORDS (the “O’Connor Declaration”), and other
14 documents and pleadings filed in these cases.

15 On June 9, 2009, ATI, AI and TTI filed their respective Voluntary Petitions under chapter 11
16 of the Bankruptcy Code. On June 10, 2009, the Court entered its ORDER AUTHORIZING AND
17 DIRECTING JOINT ADMINISTRATION OF ESTATES in each the respective bankruptcy cases.

18 On April 8, 2010, the Court entered its ORDER CONFIRMING DEBTORS’ JOINT PLAN OF
19 LIQUIDATION (DATED MARCH 2, 2010) [D.E. 552] confirming the Plan.

20 As set forth in the Motion filed concurrently herewith, the Reorganized Debtors believe that
21 the estates² are fully administered in that (a) the Confirmation Order has become final; (b) there has
22 been a substantial consummation of the Plan as contemplated in 11 U.S.C. § 1101(2) as all or
23 substantially all property proposed by the Plan to be transferred has been transferred; (c)

25 ¹ The Plan was modified pursuant to the Bankruptcy Court’s ORDER APPROVING STIPULATION RE
26 POST-CONFIRMATION MODIFICATION OF DEBTORS’ JOINT PLAN OF LIQUIDATION (DATED MARCH 2, 2010)
27 [D.E. 573] entered on April 27, 2010, its ORDER APPROVING SECOND STIPULATION RE POST-CONFIRMATION
28 MODIFICATION OF DEBTORS’ JOINT PLAN OF LIQUIDATION (DATED MARCH 2, 2010) [D.E. 597] entered on
June 18, 2010, and its ORDER GRANTING MOTION BY REORGANIZED DEBTOR FOR APPROVAL OF
NONMATERIAL AMENDMENTS TO CONFIRMED PLAN [D.E.690] entered on November 5, 2012.

² Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Motion.

1 distributions under the Plan have been made and will be completed to the extent of the Reorganized
2 Debtors' remaining cash; (d) any property proposed to be liquidated under the Plan has been or will
3 be so liquidated; and (d) all motions, contested matters, and adversary proceedings have been
4 resolved.

5 **PLEASE TAKE FURTHER NOTICE** that B.L.R. 3022-1 and the Court's Practices and
6 Procedures for final decrees in chapter 11 cases prescribes the procedures to be followed in this
7 matter. If you oppose the requested relief or desire a hearing on this matter, you must file with the
8 Court a written response to the Motion or request for hearing with the Clerk of the United States
9 Bankruptcy Court whose address is 280 South First Street, Room 3035, San Jose, California 95113-
10 3099, with a copy of any such opposition or request for hearing served on the Reorganized Debtors'
11 counsel, Thomas T. Hwang, Dorsey & Whitney LLP, 305 Lytton Avenue, Palo Alto, California
12 94301, **within fifteen (15) days of the date of service of this Notice.** Any request for a hearing or
13 opposition to the Application must be accompanied by a declaration or memorandum of law in
14 support of your opposition.

15 **PLEASE TAKE FURTHER NOTICE** that failure to file a timely response to the
16 Application or request a hearing may constitute a waiver of the right to oppose the relief requested
17 and the court may enter an order granting the relief by default.

18 Dated: May 16, 2017

DORSEY & WHITNEY LLP

19 By: /s/ Thomas T. Hwang
20 Thomas T. Hwang
21 Attorneys for the Reorganized Debtors
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