

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, August 27, 2020

Hearing Room 5A

10:00 AM

8:20-11507 Hytera Communications America (West) Inc

Chapter 11

#1.00 CON'TD Hearing RE: Motion of Debtors Requesting (A) the Scheduling of an Auction and Sale Hearing in Connection with the Sale of the Specified Assets of the Debtors, (B) Approval of Bidding Procedures for Such Assets, (C) Approval of Purchase Agreement with Stalking Horse Bidder, (D) Approval of the Form and Scope of Notice of Auction and Sale Hearing, (E) Approval of Procedures for the Assumption, Assignment and Sale of Contracts and Leases to the Purchaser, and (F) Approval of Sale of the Debtors' Assets to the Purchaser
(Re: Sale Approval Portion of the Motion)

FR: 7-23-20

Docket 118

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 27, 2020

The court is inclined to grant the Motion but is concerned about the possible transfer of inventory that may be include intellectual property of Motorola. Debtors need to address whether there is a way of excluding any such inventory. If not, this hearing may need to be postponed until a decision on the TRO/preliminary matter is adjudicated in District Court in Illinois.

The court notes that it does not share the UST's or Motorola's concerns about the independence of the Independent Director or the marketing efforts of Imperial.

Party Information

Debtor(s):

Hytera Communications America

Represented By

John W Lucas

Jason H Rosell

Victoria Newmark

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CONT...

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Step toe & Johnson

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#2.00 CON'TD Hearing RE: Motion of Motorola Solutions, Inc. to Dismiss Chapter 11 Case Pursuant to 11 U.S.C. Section 1112 or Alternatively to Suspend Case Pending Resolution of District Court Matters Pursuant to 11 U.S.C. Section 305

FR:8-20-20

Docket 111

Courtroom Deputy:

Tentative Ruling:

August 20, 2020

Continue hearing to August 27, 2020 at 10:00 a.m., same date/time as the Sale Motion. (XX)

Note: Appearances at today's hearing are not required.

August 27, 2020

The court is inclined to continue the hearing on the Motion for six months until the disposition of the pending TRO/Preliminary Injunction matter is ruled on by the District Court in Illinois.

Basis for Continuance:

1. The court is not persuaded that Debtors' failure to seek or obtain an appeal bond for a \$700M+ judgment is a basis for dismissal of the case as there is no evidence that Debtors had the ability to post such a bond and the fact that its parent (or indirect) parent may have had the ability to do so is, in the court's view, irrelevant as such entity had no legal duty to post such an appeal bond on behalf of Debtors.

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CONT... Hytera Communications America (West) Inc

Chapter 11

2. The court is concerned, however, with the fact that Debtors may have continued to distribute products containing Motorola's source code or other protected intellectual property in the absence of the issuance of an injunction by the District Court. See Ms. Huang's 341a testimony. The court is not aware of any declaration testimony by Debtors directly addressing this issue.

3. The scope of any injunction, if granted, could directly impact the viability of Debtors' reorganization.

Party Information

Debtor(s):

Hytera Communications America

Represented By
John W Lucas
Jason H Rosell
Victoria Newmark
Steptoe & Johnson

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8:20-11507 Hytera Communications America (West) Inc

Chapter 11

#3.00 CONT'D Hearing RE: Motion for Relief from Stay Under 11 USC Section 362
[ACTION IN NONBANKRUPTCY FORUM]

MOTOROLA SOLUTIONS, INC.

VS.

DEBTOR

FR: 8-20-20

Docket 112

***** VACATED *** REASON: Order approving stipulation resolving relief
from stay entered 8/27/20**

Courtroom Deputy:

**OFF CALENDAR: Order approving stipulation resolving relief from stay
entered 8/27/20- mp(8/27/20)/td**

Tentative Ruling:

August 20, 2020

Continue hearing to August 27, 2020 at 10:00 a.m., same date/time as the
Sale Motion. (XX)

Note: Appearances at today's hearing are not required.

Party Information

Debtor(s):

Hytera Communications America

Represented By
John W Lucas
Jason H Rosell
Victoria Newmark
Steptoe & Johnson

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CONT... Hytera Communications America (West) Inc

Chapter 11

Movant(s):

Motorola Solutions, Inc.

Represented By
Mark E McKane