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| <p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address<br/>                 Linda F. Cantor (CA Bar No. 153762)<br/>                 Jonathan J. Kim (CA Bar No. 180761)<br/>                 PACHULSKI STANG ZIEHL &amp; JONES LLP<br/>                 10100 Santa Monica Blvd., 13<sup>th</sup> Floor<br/>                 Los Angeles, CA 90067<br/>                 Telephone: 310/277-6910<br/>                 Facsimile: 310/201-0760<br/>                 Email: lcantor@pszjlaw.com, jkim@pszjlaw.com</p> <p><input checked="" type="checkbox"/> Attorneys for R. Todd Neilson, chapter 7 Trustee<br/> <input type="checkbox"/> Attorney for Movant(s)</p> | <p>FOR COURT USE ONLY</p>   |
| <p><b>UNITED STATES BANKRUPTCY COURT<br/>                 CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b></p>   |   |
| <p>In re:<br/>                 THE TULVING COMPANY, INC., a California corporation</p> <p style="text-align: right;">Debtor(s).</p>   | <p>CASE NO.: 8:14-bk-11492-ES<br/>                 CHAPTER: 7</p> <p style="text-align: center;"><b>DECLARATION RE: ENTRY OF ORDER<br/>                 WITHOUT HEARING PURSUANT TO<br/>                 LBR 9013-1(o)</b></p> <p style="text-align: center;">[No Hearing Required]</p> |

1. I am the  Movant(s) or  attorney for Movant(s) or  employed by attorney for Movant(s).
2. **On:** January 13, 2015 \_\_\_\_\_ Movant(s) filed a motion entitled: Notice of Motion and Motion Under LBR 2016-2 For Approval of Cash Disbursements By The Trustee; Opportunity to Request Hearing; and Decl. of Trustee
3. A copy of the motion and notice of motion is attached hereto.
4. **On** January 13, 2015 \_\_\_\_\_, Movant(s) served a copy of  the notice of motion or  the motion and notice of motion on required parties using the method(s) identified on the Proof of Service of the notice of motion.
5. **Pursuant to LBR 9013-1(o), the notice of motion provides that the deadline for filing and serving a written response and request for a hearing is 14 days after the date of service of the notice of motion, plus 3 additional days if served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F).**
6. **More than 17** days have passed since Movant(s) served the notice of motion.
7. **I have checked the docket for this bankruptcy case and/or adversary proceeding, and no response and request for hearing has been timely filed.**

8. **No response and request for hearing has been timely served on Movant(s) at the street address, email address, or facsimile number specified in the notice of motion.**
9. Based upon the foregoing, and pursuant to LBR 9013-1(o), a hearing is not required.

WHEREFORE, Movant(s) requests that the motion be granted and an order be entered without a hearing on the motion.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: February 3, 2015

/s/ Linda F. Cantor

Signature

Linda F. Cantor, Attorneys for R. Todd Neilson, chapter 7  
Trustee

Printed name

# **EXHIBIT 1**

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|--|--|
| Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address<br>Linda F. Cantor (CA Bar No. 153762)<br>Jonathan J. Kim (CA Bar No. 180761)<br>PACHULSKI STANG ZIEHL & JONES LLP<br>10100 Santa Monica Boulevard, 13 <sup>th</sup> Floor<br>Los Angeles, CA 90067<br>Telephone: 310/277-6910<br>Facsimile: 310/201-0760<br>Email: <a href="mailto:lcantor@pszjlaw.com">lcantor@pszjlaw.com</a> , <a href="mailto:jkim@pszjlaw.com">jkim@pszjlaw.com</a><br><br><input checked="" type="checkbox"/> Attorneys for R. Todd Neilson, chapter 7 Trustee<br><input type="checkbox"/> Debtor(s) appearing without an attorney | FOR COURT USE ONLY   |
| <b>UNITED STATES BANKRUPTCY COURT<br/>                 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION</b>   |  |
| In re:<br><br>THE TULVING COMPANY, INC., a California corporation<br><br><br><br><br><br><br><br><br><br>Debtor(s).  | CASE NO.: 8:14-bk-11492-ES<br>CHAPTER: 7<br><br><b>NOTICE OF MOTION AND MOTION UNDER<br/>                 LBR 2016-2 FOR APPROVAL OF CASH<br/>                 DISBURSEMENTS BY THE TRUSTEE;<br/>                 OPPORTUNITY TO REQUEST HEARING; AND<br/>                 DECLARATION OF TRUSTEE</b><br><br>[No hearing unless requested under LBR 9013-1(o)] |

TO PARTIES IN INTEREST:

PLEASE TAKE NOTICE that the duly-appointed chapter 7 trustee has filed the following motion for court approval of the trustee's request to make cash disbursements. The court may grant the motion authorizing expenditure of estate funds without a hearing unless you file with the court and serve upon the trustee and the United States trustee a written objection to the motion explaining all of the reasons for the opposition WITHIN 14 DAYS AFTER THE DATE OF SERVICE OF THIS NOTICE OF MOTION AND MOTION, plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). If an objection is timely filed, the trustee will set the matter for hearing and notify you of the date and time of the hearing. Failure to object may be deemed consent to interim authorization of the expenses requested by the trustee.

The trustee moves for an order authorizing cash disbursements from property of the estate as follows:

1. A brief summary of the case is attached as Exhibit A.
2. The estimated date for submitting a final report is unknown at this time..

3. Cash disbursements period: 1/1/15 to 12/31/15
4. A detailed analysis and justification of the trustee's expenses is included in Exhibit B.
5. Final approval of all expenditures will be sought when the trustee files a Final Account and Report (including those paid in accordance with LBR 2016-2).

Date: January 13, 2015

/Linda F. Cantor

Linda F. Cantor  
Attorneys for R. Todd Neilson, chapter 7 Trustee

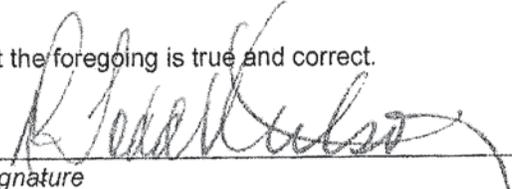
DECLARATION OF TRUSTEE

I, R. Todd Neilson, the duly appointed chapter 7 trustee, have prepared the foregoing motion to make cash disbursements and believe the amounts specified in each category are reasonable and necessary for an effective and efficient administration of the estate. If this motion proves to be inaccurate or infeasible, I will submit corrected motions as necessary.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 12  
2015  
Date

R. Todd Neilson  
Printed Name

  
Signature

## EXHIBIT "A"

### SUMMARY/STATUS OF CASE:

This cash disbursement motion is filed pursuant to LBR 2016-2 of the United States Bankruptcy Court, Central District of California.

Through review of the Debtor's schedules, information obtained from creditors or information obtained at the Debtor's 341(a) meeting or otherwise, this case appears to have assets and/or potential avoidance actions that may be liquidated for the benefit of creditors.

#### A. Procedural Background of Case

The Debtor commenced this case by the filing of a voluntary petition for relief under chapter 11 of the Bankruptcy Code on March 10, 2014. In light of pending criminal investigation and other ongoing litigation, on March 18, 2014, the United States Trustee filed a *Stipulation Appointing Chapter 11 Trustee* [Docket No. 15] ("Stipulation"), which was signed by both the Debtor and its attorney. The Stipulation was approved by the Bankruptcy Court on March 18, 2014 [Docket No. 16] and an Order was entered by the Court on March 21, 2014 approving the *U.S. Trustee's Application for the Appointment of a Chapter 11 Trustee*, appointing R. Todd Neilson as Trustee of the Debtor's estate [Docket No. 22]. Thereafter upon notice and hearing, the case was converted to a chapter 7 and R. Todd Neilson continues to serve as the chapter 7 Trustee [Docket 108].

#### B. The Debtor's Business

The Debtor is a California corporation. The Debtor was in the business of selling and purchasing gold, silver, coins, bullion, and other precious metals through its internet website or by phone. Prior to the filing of the bankruptcy, customer complaints concerning delayed or undelivered orders were increasingly made to the Better Business Bureau against the Debtor and in early March, 2014, a class-action lawsuit was filed against the Debtor and its principal in the United States District Court, Northern District of California. The Debtor ceased operations on or about March 3, 2014. Shortly before the initiation of these proceedings, a raid was conducted at the business offices of the Debtor by the Secret Service and the Department of Justice and the Debtor's computers and documents were seized for an ongoing criminal investigation.

EXHIBIT "B"

Estimated Recurring Monthly Expenses During the Cash Disbursement Period:

- \$ 200.00 Storage Fees for Documents
- \$ 100.00 Bond Fees (to be paid in one annual payment of \$1200)

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This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
**10100 Santa Monica Boulevard, 13<sup>th</sup> Floor, Los Angeles, California 90067**

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION UNDER LBR 2016-2 FOR APPROVAL OF CASH DISBURSEMENTS BY THE TRUSTEE; OPPORTUNITY TO REQUEST HEARING; AND DECLARATION OF TRUSTEE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **January 13, 2015**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On **January 13, 2015**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **January 13, 2015**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

***Via Federal Express***

The Honorable Erithe A. Smith  
United States Bankruptcy Court  
Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Suite 5040 / Courtroom 5A  
Santa Ana, California 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 13, 2015  
Date

Janice G. Washington  
Printed Name

/s/ Janice G. Washington  
Signature

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

Wesley H Avery on behalf of Consumer Privacy Ombudsman Wesley H Avery  
wamiracle6@yahoo.com, wavery@rpmlaw.com

Candice Bryner on behalf of Interested Party Candice Bryner  
candice@brynerlaw.com

Philip Burkhardt on behalf of Other Professional Karen Duddlesten  
phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com

Stephen L Burton on behalf of Attorney Stephen L. Burton  
steveburtonlaw@aol.com

Frank Cadigan on behalf of U.S. Trustee United States Trustee (SA)  
frank.cadigan@usdoj.gov

Linda F Cantor, ESQ on behalf of Other Professional Pachulski Stang Ziehl & Jones LLP  
lcantor@pszjlaw.com, lcantor@pszjlaw.com

Linda F Cantor, ESQ on behalf of Trustee R. Todd Neilson (TR)  
lcantor@pszjlaw.com, lcantor@pszjlaw.com

David L Gibbs on behalf of Creditor Kenneth W Stach  
david.gibbs@gibbslaw.com, ecf@gibbslaw.com

Nancy S Goldenberg on behalf of U.S. Trustee United States Trustee (SA)  
nancy.goldenberg@usdoj.gov

Lawrence J Hilton on behalf of Creditor Jeffrey Roth  
lhilton@oneil-llp.com, ssimmons@oneil-llp.com;kdonahue@oneil-llp.com

John H Kim on behalf of Creditor Ford Motor Credit Company LLC  
jkim@cookseylaw.com

R. Todd Neilson (TR)  
tneilson@brg-expert.com, sgreenan@brg-expert.com;tneilson@ecf.epiqsystems.com;ntroszak@brg-expert.com

Jason S Pomerantz on behalf of Trustee R. Todd Neilson (TR)  
jspomerantz@pszjlaw.com, jspomerantz@pszjlaw.com

Nanette D Sanders on behalf of Creditor Levon Gugasian  
becky@ringstadlaw.com

Richard C Spencer on behalf of Interested Party Courtesy NEF  
rspencer@rspencerlaw.com

United States Trustee (SA)  
ustpregion16.sa.ecf@usdoj.gov

**2. SERVED BY UNITED STATES MAIL**

***Debtor***

**The Tulving Company Inc**  
P.O. Box 6200  
Newport Beach, CA 92658

***Counsel for Debtor***

**Andrew S Bisom**  
The Bisom Law Group  
8001 Irvine Center Drive, Ste. 1170  
Irvine, CA 92618

James F. Wyatt, III  
Wyatt & Blake, LLP  
435 East Morehead Street  
Charlotte, NC 28202

***Trustee***

**R. Todd Neilson (TR)**  
BRG, LLP  
2049 Century Park East  
Suite 2525  
Los Angeles, CA 90067

***U.S. Trustee***

**United States Trustee (SA)**  
411 W Fourth St., Suite 9041  
Santa Ana, CA 92701-4593

***Counsel for U.S. Trustee***

**Nancy S Goldenberg**  
411 W Fourth St Ste 9041  
Santa Ana, CA 92701-8000

***Laurence P Nokes on behalf of Interested Party***

**John Frankel**  
Nokes & Quinn  
410 Broadway St Ste 200  
Laguna Beach, CA 92651

***Accountants for Landlord***

**Brent Murdoch**  
Murdoch & Morris, LLP  
114 Pacifica, Ste. 320  
Irvine, CA 92618

***Interested Party***

**Frye & Hsieh**  
Douglas J Frye Esquire  
24955 Pacific Coast Highway # A201  
Malibu, CA 90265

***Counsel for Creditor Levon Gugasian***

**Nanette D. Sanders, Esq.**  
Ringstad & Sanders LLP  
2030 Main Street, Suite 1600  
Irvine, CA 92614

***Counsel for Buyer***

**Armen R. Vartian**  
1601 N. Sepulveda Blvd., #581  
Manhattan Beach, CA 90266

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
**10100 Santa Monica Boulevard, 13<sup>th</sup> Floor, Los Angeles, California 90067**

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION RE: ENTRY OF ORDER WITHOUT HEARING PURSUANT TO LBR 9013-1(o)** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **February 4, 2015**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (*date*) **February 4, 2015**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **February 4, 2015**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**Via Federal Express**

The Honorable Erithe A. Smith  
United States Bankruptcy Court  
Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Suite 5040  
Santa Ana, CA 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 4, 2015

*Date*

Myra Kulick

*Printed Name*

/s/ Myra Kulick

*Signature*

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

- Wesley H Avery wamiracle6@yahoo.com, wavery@rpmlaw.com
- Candice Bryner candice@brynerlaw.com
- Philip Burkhardt phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com
- Stephen L Burton steveburtonlaw@aol.com
- Frank Cadigan frank.cadigan@usdoj.gov
- Linda F Cantor lcantor@pszjlaw.com, lcantor@pszjlaw.com
- David L Gibbs david.gibbs@gibbslaw.com, ecf@gibbslaw.com
- Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- Lawrence J Hilton lhilton@oneil-llp.com, ssimmons@oneil-llp.com;kdonahue@oneil-llp.com
- John H Kim jkim@cookseylaw.com
- R. Todd Neilson (TR) tneilson@brg-expert.com, sgreenan@brg-expert.com;tneilson@ecf.epiqsystems.com;ntroszak@brg-expert.com
- Jason S Pomerantz jspomerantz@pszjlaw.com, jspomerantz@pszjlaw.com
- Nanette D Sanders becky@ringstadlaw.com
- Richard C Spencer rspencer@rspencerlaw.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov