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8 Proposed General Bankruptcy Counsel for R. Todd Neilson,
9 Chapter 11 Trustee for The Tulving Company, Inc.

10 **UNITED STATES BANKRUPTCY COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SANTA ANA DIVISION**

13 In re:
14 THE TULVING COMPANY, INC., a California
15 corporation,
16 Debtor.

Case No.: 8:14-bk-11492-ES

Chapter 11

**NOTICE PURSUANT TO LOCAL
BANKRUPTCY RULE 2014-1(B) OF
SUBMISSION OF:**

**APPLICATION OF THE CHAPTER 11
TRUSTEE FOR THE TULVING
COMPANY, INC., FOR ORDER
APPROVING EMPLOYMENT OF
PACHULSKI STANG ZIEHL & JONES
LLP AS GENERAL BANKRUPTCY
COUNSEL TO THE TRUSTEE *NUNC
PRO TUNC* TO MARCH 25, 2014**

[No Hearing Required]

17 **TO THE DEBTOR AND HIS COUNSEL, CREDITORS HOLDING THE 20**
18 **LARGEST CLAIMS AGAINST THE DEBTOR, ALL PARTIES WHO HAVE**
19 **REQUESTED SPECIAL NOTICE AND THE UNITED STATES TRUSTEE:**

20 **PLEASE TAKE NOTICE**, that R. Todd Neilson (the "Trustee"), the duly appointed
21 chapter 11 trustee in the above captioned bankruptcy case (the "Case"), has filed concurrently
22 herewith the "Application of the Chapter 11 Trustee for The Tulving Company, Inc. for Order:
23 Approving Employment of Pachulski Stang Ziehl & Jones LLP as General Bankruptcy Counsel
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PACHULSKI STANG ZIEHL & JONES LLP
ATTORNEYS AT LAW
LOS ANGELES, CALIFORNIA

1 to the Trustee *Nunc Pro Tunc* to March 25, 2014 (the “Application”); and the Declaration of
2 Linda F. Cantor (the “Declaration”) in support of the Application.

3 **PLEASE TAKE FURTHER NOTICE** that by the Application, the Trustee seeks an
4 order: authorizing the employment of Pachulski Stang Ziehl & Jones LLP (“PSZJ” or the
5 “Firm”) as his general bankruptcy counsel to perform the following services in connection with
6 this chapter 11 case as follows:

7 (a.) Advising the Trustee concerning the rights and remedies of the Estate in
8 regard to the assets of the Estate, and with respect to secured, administrative, priority and general
9 unsecured claims, including, but not limited to, the review and reconciliation of Claims;

10 (b.) Representing the Trustee in connection with financial and business matters,
11 including the sale of any assets and potential recovery of assets;

12 (c.) Representing the Trustee in connection with the investigation and prosecution,
13 to the extent the Trustee deems appropriate, potential causes of action against persons or entities
14 relating to the Estate, including, but not limited to, potential claims against insiders and related
15 parties;

16 (d.) Investigating and prosecuting preference, fraudulent transfer and other
17 actions, if any, arising under the Trustee’s avoiding powers;

18 (e.) Representing the Trustee in any proceeding or hearing in the Bankruptcy
19 Court, and in any action in other courts where the rights of the Estate may be litigated or affected;

20 (f.) Conducting examinations of witnesses, claimants, or adverse parties and
21 preparing and assisting in the preparation of motions, applications, answers, orders, memoranda,
22 reports and accounts;

23 (g.) Advising the Trustee concerning the requirements of the Bankruptcy Code,
24 the Bankruptcy Rules, the Local Rules and the requirements of the Office of the United States
25 Trustee relating to the administration of the estate and assisting, if requested by the Trustee, in the
26 filing of Schedules, Statement of Financial Affairs and other required documents; and

27 (h.) Rendering such other advice and service, as the Trustee may require in
28 connection with this Case.

1 Information on the Firm can be found on the Firm's website at www.pszjlaw.com.

2 **PLEASE TAKE FURTHER NOTICE** that, subject to the provisions of the Bankruptcy
3 Code, the Bankruptcy Rules and the Local Bankruptcy Rules and this Court's rules, the Trustee
4 proposes to pay the Firm its customary hourly rates in effect from time to time and to reimburse
5 the Firm according to its customary reimbursement policies. The attorney currently expected to
6 be principally responsible for the Case, Linda Cantor, has an hourly rate effective as of January
7 1, 2014 of \$850.00. The hourly rate for Michael Matteo, the paralegal assigned to the Case is
8 \$265.00.

9 The Trustee desires to employ PSZJ with reasonable fees to be determined by the Court.
10 No compensation will be paid to the Firm except upon application to, and approval by, the Court
11 after notice and a hearing. The Firm has not received a retainer in this Case.

12 **PLEASE TAKE FURTHER NOTICE** that while the Firm did not receive any retainer
13 in connection with its proposed employment, it is contemplated that the Firm may seek interim
14 compensation during the Case as permitted by sections 330 and 331 of the Bankruptcy Code and
15 Bankruptcy Rule 2016. The Firm understands that its compensation in the Case is subject to the
16 prior approval of this Court. No compensation will be paid except upon application to and
17 approval by this Court after notice and a hearing in accordance with sections 330 and 331 of the
18 Bankruptcy Code, Bankruptcy Rule 2016 and Local Bankruptcy Rule 2016-1.

19 **PLEASE TAKE FURTHER NOTICE** that, pursuant to section 327 of the Bankruptcy
20 Code and Local Bankruptcy Rule 2014-1(b)(1)(c), a hearing is not required in connection with
21 the Application unless requested by the United States Trustee, a party in interest, or otherwise
22 ordered by the Court. Pursuant to Local Bankruptcy Rule 2014-1(b)(3), any objection to the
23 proposed Application and request for hearing must be in the form prescribed by Local
24 Bankruptcy Rule 9013-1(f) and must be filed and served on the Trustee, his proposed counsel
25 and the Office of the United States Trustee no later than fourteen (14) days from the date of
26 service of this notice. A true and correct copy of the Application and the Declaration can be
27 obtained by contacting Michael A. Matteo, Paralegal, at Pachulski Stang Ziehl & Jones LLP,
28 10100 Santa Monica Boulevard, 13th Floor, Los Angeles, California 90067, Telephone: (310)

1 277-6910.

2 **WHEREFORE**, the Trustee respectfully requests that the Court enter an order approving
3 the Application and granting such other and further relief as this Court deems just.

4 Dated: April 3, 2014

PACHULSKI STANG ZIEHL & JONES LLP

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6 By /s/ Linda F. Cantor

Linda F. Cantor (CA Bar No. 153762)

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8 Proposed General Bankruptcy Counsel for R.
9 Todd Neilson, Chapter 11 Trustee for The
10 Tulving Company, Inc.

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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, 13th Floor, Los Angeles, California 90067

A true and correct copy of the foregoing document **NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 2014-1(B) OF SUBMISSION OF: APPLICATION OF THE CHAPTER 11 TRUSTEE FOR THE TULVING COMPANY, INC., FOR ORDER APPROVING EMPLOYMENT OF PACHULSKI STANG ZIEHL & JONES LLP AS GENERAL BANKRUPTCY COUNSEL TO THE TRUSTEE NUNC PRO TUNC TO MARCH 25, 2014** 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 April 3, 2014, 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 April 3, 2014, 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 April 3, 2014, 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, 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.

April 3, 2014
Date

Janice G. Washington
Printed Name

/s/ Janice G. Washington
Signature