

Linda F. Cantor (CA Bar No. 153762)
Jason S. Pomerantz (CA Bar No. 157216)
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, California 90067
Telephone: 310-277-6910
Facsimile: 310-201-0760
E-mail: lcantor@pszjlaw.com
jspomerantz@pszjlaw.com

Counsel for Weneta M. A. Kosmala, Chapter 7 Trustee
for The Tulving Company, Inc.



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re:

THE TULVING COMPANY, INC., a
California corporation,

Debtor

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

Chapter 7

**ORDER (A) APPROVING AND
AUTHORIZING THE DEBTOR TO ENTER
INTO SUPPLEMENTAL CONSENT ORDER
ASSESSING RESTITUTION AND CIVIL
MONETARY PENALTY AGAINST
DEFENDANTS THE TULVING COMPANY,
INC. AND HANNES TULVING, JR. (B)
AUTHORIZING HANNES TULVING, JR. TO
EXECUTE THE SUPPLEMENTAL
CONSENT ORDER WITH THE UNITED
STATES COMMODITY FUTURE TRADING
COMMISSION ON BEHALF OF THE
DEBTOR, AND (C) FOR RELATED RELIEF
PURSUANT TO SECTIONS 105 AND 362 OF
THE BANKRUPTCY CODE**

Hearing:

Date: November 30, 2017

Time: 10:30 a.m.

Place: 411 West Fourth Street
Courtroom 5a
Santa Ana, Ca 92701

1 This matter came before the Court upon the *Renewed Motion For Order (A) Approving And*
2 *Authorizing the Trustee and Debtor to Enter Into Supplemental Consent Order Assessing Restitution*
3 *and Civil Monetary Penalty against Defendants The Tulving Company, Inc. and Hannes Tulving, Jr.*
4 *(B) Authorizing Hannes Tulving, Jr. to Execute the Supplemental Consent Order With The United*
5 *States Commodity Future Trading Commission on Behalf of The Debtor, and (C) For Related Relief*
6 *Pursuant to Sections 105 and 362 of the Bankruptcy Code [Dkt. No. 720] (the “Motion”)¹ filed by*
7 *Weneta M. A. Kosmala, in her capacity as the duly appointed, authorized and acting chapter 7*
8 *trustee (“Trustee”) of the estate of the Tulving Company, Inc., the debtor herein (the “Debtor”).*

9 The Court, having reviewed and considered the Motion and supporting declaration, and the
10 Court finding that due and proper notice of the Motion was given and that no further notice is
11 required, no response or opposition to the Motion having been filed, and pursuant to the Tentative
12 Ruling by the Court no appearance by the movant at the scheduled hearing was required, and good
13 cause appearing for the granting of the Motion,

14 **IT IS HEREBY ORDERED THAT:**

- 15 1. The Motion is granted.
- 16 2. The Debtor is authorized to enter into the Supplemental Consent Order Assessing
17 Restitution And Civil Monetary Penalty Against Defendants The Tulving Company,
18 Inc. and Hannes Tulving, Jr. with the United States Commodity Future Trading
19 Commission (the “Supplemental Consent Order”) in the form appended to the Motion
20 as Exhibit “A”, and the Debtor and its estate are authorized to take all actions
21 necessary to implement the Supplemental Consent Order.
- 22 3. Hannes Tulving, Jr. is authorized to sign the Supplemental Consent Order on behalf
23 of the Debtor.
- 24 4. Relief from the automatic stay under 11 U.S.C. § 362(a) is granted for the imposition
25 of the civil monetary penalty and post judgment interest pursuant to the terms of the
26 Supplemental Consent Order.

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¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

1 5. The Court shall retain jurisdiction to hear and determine any issues or disputes
2 arising from this Order.

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PACHULSKI STANG ZIEHL & JONES LLP
ATTORNEYS AT LAW
LOS ANGELES, CALIFORNIA

24 Date: December 4, 2017

23 
24 Erithe Smith
25 United States Bankruptcy Judge