

1 Andrew Bisom - SBN - 137071
THE BISOM LAW GROUP
2 8001 Irvine Center Drive, Ste. 1170
Irvine, CA. 92618
3 Tel: (714) 643-8900
4 Fax:(714) 643-8901
abisom@bisomlaw.com

5 Attorney for Debtor

6
7 **UNITED STATES BANKRUPTCY COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **SANTA ANA DIVISION**

10 In re:) Case No.: 8:14-bk-11492-ES
11)
12 **THE TULVING COMPANY, INC**) CHAPTER 11
13 Debtor.) **APPLICATION FOR ORDER**
14) **AUTHORIZING DEBTOR TO EMPLOY**
15) **THE BISOM LAW GROUP AS**
16) **ATTORNEY FOR DEBTOR;**
17) **DECLARATION OF ANDREW S. BISOM**
) **IN SUPPORT THEREOF**
)
) [NO HEARING REQUIRED]
)

18 **TO ALL PARTIES IN INTEREST AND THEIR ATTORNEYS' OF RECORD:**

19 The Bisom Law Group ("the Firm" or "Applicant") hereby makes this application for
20 order authorizing it to be employed as bankruptcy counsel for The Tulving Company, Inc. (the
21 "Debtor") and in support thereof respectively represents as follows:

- 22 1. On March 10, 2014, the Debtor filed a voluntary Chapter 11 Petition in the
23 United States Bankruptcy Court for the Central District of California, Santa Ana Division as
24 case number 8:14-bk-11492-ES.
25

1 2. The Debtor wishes to retain Applicant as its attorney to administer its Chapter
2 11 bankruptcy case, file documents necessary to satisfy requirements of the United States
3 Trustee, cooperate with the Chapter 11 Trustee, prepare its Chapter 11 Plan and Disclosure
4 Statement and conduct negotiations with creditors.

5 3. Pursuant to the terms of employment the Debtor has agreed to pay the Firm its
6 hourly rate of \$450.00 and paid the Firm a retainer of \$20,000.00. The Debtor will also make
7 additional post-petition payments to the Firm as needed. The Firm will keep all funds received
8 by the Debtor in its Trust Account pending approval of its fees by the Court or a fee statement
9 is filed.

10 4. Andrew S. Bisom, the lead attorney in this case has over 25 years experience
11 in insolvency, reorganization and debtor-creditor matters. Mr. Bisom is well qualified to act
12 as the Debtor's attorney in this preceding.

13 3. As set forth in his declaration attached hereto, Applicant and its employees and
14 staff, (collectively the "Firm") have no known connection with any party in interest in this
15 case.

16 4. Subject to Court approval, Applicant will undertake representation at the rate of
17 \$450.00 per hour.

18 5. Applicant will apply to the Court for approval of compensation in accordance
19 with the provisions of 11 U.S.C. §328 and has agreed to accept this compensation in such sums
20 as the court may allow pursuant to 11 U.S.C. §330.

21 6. Prior to the filing of Debtor's bankruptcy case Applicant expended 5.4 hours
22 and drew down \$3,661.60

23 6. A copy of Applicant's resume is attached hereto as Exhibit "A".

24 7. Applicant's employment is in the Debtor's best interest. Approval of this
25 application is imperative in order to allow the Debtor to have effective legal expertise and
complete its reorganization.

///

1 **WHEREFORE**, Applicant respectfully requests that the Court enter an order
2 authorizing its employment retroactive to March 10, 2014 pursuant to the terms and conditions
3 recited above and to represent the Debtor herein.

4
5
6 March 21, 2014

THE BISOM LAW GROUP

7 

8 _____
ANDREW S. BISOM

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DECLARATION OF ANDREW S. BISOM

I, Andrew S. Bisom, declare as follows:

1. I am an attorney and the principal of the Law Office of Andrew S. Bisom the proposed attorney to The Tulving Company, Inc. ("Debtor"), in the within matter. All of the following facts are within my personal knowledge and if called upon as a witness I could and would competently testify thereto.

2. The Firm has entered into an agreement with the Debtor, subject to Court approval, to act as its attorney in the within bankruptcy case. At this time I am a sole proprietor and do not have any employees. To the best of my knowledge, I do not have any connection with any creditor or interested party in this case. I have never represented the Debtor or its shareholders, officers or directors, their attorneys or accountants in any other matter. Likewise, neither my employees nor I have ever represented or had any connection with any creditors or any other party in interest or their attorneys or accountants in this case or any person employed in the Office of the United States Trustee.

3. Neither my employees nor I not a creditor, an equity security holder, insider of the debtor, an investment banker for any outstanding security of the debtor, or an attorney for such an investment banker in connection with the offer, sale or issuance of any security of the debtor, a director, officer or employee of the debtor or of any investment banker for any security of the debtor.

4. I neither hold nor represent any interest materially adverse to the interest of the estate or any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor or an investment banker for any security of the debtor, or for any other reason.

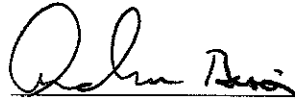
1 5. I am not a relative or employee of the United States Trustee or a Bankruptcy
2 Judge.

3 6. I believe the firm is a disinterested party as set forth in 11 U.S.C. §§101(14)
4 and 327.

5 7 I have reviewed the Application for Order Authorizing Debtor-In-Possession to
6 Employ The Bisom Law Group, as Attorney for the Debtor attached hereto and I agree to be
7 employed on the terms set forth therein.

8 8. A true and correct copy of my firm resume is attached hereto as Exhibit "A"

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this
10 21st day of March 2014, in Irvine, California.
11

12
13
14 
15 Andrew S. Bisom

16
17
18
19
20
21
22
23
24
25

Exhibit "A"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

LAW OFFICE OF ANDREW S. BISOM

EDUCATION:

Southwestern University School of Law
Juris Doctor, 1988, California Bar, 1988

University of Denver College of Law
Masters of Science in Judicial Administration, 1979

University of California, Los Angeles
Bachelor of Arts in History, 1977

WORK EXPERIENCE:

Principal – The Bisom Law Group, Irvine, CA: 2005 to present
Practice extensively devoted to representation of debtors, creditors and trustees in Chapter 7, Chapter 11 and Chapter 13 cases.

Partner – Bisom & Cohen, LLP, Santa Ana, CA: 1999 to 2005
Firm practice directed extensively to representation of debtors, creditors and trustees in Chapter 7, Chapter 11 and Chapter 13 cases and general civil litigation.

Principal - Andrew S. Bisom, Attorney at Law, Irvine, CA: 1994 to 1999
Practice devoted primarily to bankruptcy law and bankruptcy litigation. Representation of debtors, creditors and committees in Chapter 7, Chapter 11 and Chapter 13 cases.

Attorney – Law Office of Fritz J. Firman, Santa Ana, CA: 1992 to 1994
Practice devoted primarily to bankruptcy law and bankruptcy litigation. Representation of Debtors and creditors in Chapter 7, Chapter 11 and Chapter 13 cases.

Attorney – Burd & Marshack, Santa Ana, CA: 1988 to 1992
Extensive representation of Debtors, creditors and trustees in Chapter 7 and Chapter 11 cases.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AFFILIATIONS:

Orange County Bankruptcy Forum: 1988 to present, Board of
Directors: 1996 to 1999

Orange County Bar Association: 1988 to 1994, 2002 to 2005
American Bankruptcy Institute: 2013 - present

Admitted to California state courts, United States District Courts for the Central,
Southern, Eastern and Northern Districts and the Ninth Circuit Court of Appeals.

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:
8001 Irvine Center Drive, Ste. 1170. Irvine, CA. 92618

A true and correct copy of the foregoing document entitled (*specify*): Application For Order To Employ The Bisom Law Group As Attorney For Debtor

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*) March 21, 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:

- **Andrew S Bisom** abisom@bisomlaw.com
- **Nancy S Goldenberg** nancy.goldenberg@usdoj.gov
- **R. Todd Neilson (TR)** tneilson@brg-expert.com, sgreenan@brg-expert.com; tneilson@ecf.epiqsystems.com; ntroszak@brg-expert.com
- **Michael B Reynolds** mreynolds@swlaw.com, kcollins@swlaw.com
- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov

Service information continued on attached page

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

On (*date*) March 21, 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

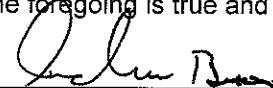
3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) March 21, 2014, I served the following persons and/or entities by personal delivery, overnight mail service, 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.

Hon. Erithe A. Smith
United States Bankruptcy Court
411 West Fourth St., Ste. 5041
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.

March 21, 2014 Andrew Bisom
Date Printed Name


Signature