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8 Counsel for R. Todd Neilson, Chapter 7 Trustee  
9 for The Tulving Company, Inc.

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

13 In re:

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

14 THE TULVING COMPANY, INC., a  
15 California corporation,

Chapter 7

Debtor.

**STIPULATION TO FURTHER EXTEND  
DEADLINE FOR TRUSTEE TO FILE FINAL  
LIST OF VICTIMS AND LOSSES AND  
PROPOSED PLAN FOR LIQUIDATION OF  
SEIZED ITEMS AS SET FORTH IN THE  
ORDER FOR COORDINATION  
AGREEMENT FOR DISTRIBUTION OF  
SEIZED ITEMS FROM UNITED STATES TO  
BANKRUPTCY TRUSTEE AND FROM  
TRUSTEE TO VICTIMS**

[DOCKET NOS. 264 AND 280]

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20 **TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY JUDGE;**  
21 **THE OFFICE OF THE UNITED STATES TRUSTEE; THE DEBTOR; AND PARTIES**  
22 **WHO HAVE FILED A REQUEST FOR SPECIAL NOTICE PURSUANT TO**  
23 **BANKRUPTCY RULE 2002:**

24 This Stipulation is entered into by and among R. Todd Neilson, in his capacity as the duly  
25 appointed, authorized and acting chapter 7 trustee of the above captioned Debtor's estate (the  
26 "Trustee"), Hannes Tulving, Jr. ("Hannes Tulving"), The Tulving Company, Inc. ("Debtor") and Jill  
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PACHULSKI STANG ZIEHL & JONES LLP  
ATTORNEYS AT LAW  
LOS ANGELES, CALIFORNIA

1 W. Rose, Acting United States Attorney for the Western District of North Carolina (the  
2 “Government”) (collectively, the “Parties”), in reference to the following facts:

3  
4 **RECITALS**

5 **WHEREAS**, on July 22, 2015, this Court entered an *Order for Coordination Agreement for*  
6 *Distribution of Seized Items From United States to Bankruptcy Trustee And From Trustee to*  
7 *Victims* [Docket No. 264] (the “Order”);

8 **WHEREAS**, the Order at paragraph 4, page 5 states as follows:

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10 “4. The Parties and the Trustee agree that prompt payment to such  
11 Victims can best be achieved by (1) the Trustee proposing, on or  
12 before sixty days after the Coordination Agreement is signed by both  
13 the Bankruptcy Court and the District Court, in the form of an  
14 omnibus motion or other filed pleading sufficient for filing in court, a  
15 final list of Victims and losses to the Parties, to the Bankruptcy Court,  
16 and to the District Court and proposing a plan for liquidation of the  
17 Seized Items to the Bankruptcy Court and the District Court, including  
18 a plan for all disbursements of costs and expenses and all  
19 disbursements of Victims and (2) the Government, if it is in agreement  
20 with the Victim list and plan for liquidation, and if the Bankruptcy  
21 Court approves the plan for liquidation, turning over Seized Items to  
22 the Trustee in an amount sufficient, based on best estimates of  
23 appraised value of the Seized Items, to satisfy the payouts proposed by  
24 the Trustee as set forth herein. The Trustee agrees that he shall make  
25 every effort to prioritize payments to Victims over all other payments,  
26 except for reasonable costs and expenses of liquidation approved by  
27 the Bankruptcy Court to which the Parties do not object in writing.  
28 The Government reserves the right to decline to turn over Sized Items  
to the Trustee in the event that, in the Government’s sold discretion,  
any part of the plan set forth by the Trustee or any pending or  
anticipated litigation in the Bankruptcy Case is not, in light of all of  
the circumstances of the Bankruptcy Case and the Criminal Case,  
beneficial to prompt recovery for Victims.”

22 **WHEREAS**, under the Order the initial deadline for filing a final list of victims and losses  
23 and a plan for liquidation of the seized items (the “Final List and Plan”) was September 20, 2015;

24 **WHEREAS**, the Parties previously entered into a stipulation, approved by order of the Court,  
25 to extend the deadline for filing the Final List and Plan by an additional sixty days, through  
26 November 20, 2015 [Dkt Nos. 277 and 280, respectively];

1 WHEREAS, the Trustee is finalizing the details of the Final List and Plan and needs  
2 additional time to do so;

3 WHEREAS, the Trustee has requested and the other Parties have agreed to extend the  
4 deadline for the Trustee to file the Final List and Plan until December 1, 2015:

5 NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the Trustee, the  
6 Government, Hannes Tulving and the Debtor as follows:

7 STIPULATION

8 1. The deadline for the Trustee to file the Final List and Plan as set forth in the Order is  
9 extended to December 1, 2015.

10 2. This Stipulation may be executed in counterparts, each of which may be transmitted  
11 by facsimile or email, and each of which shall be deemed an original, but all of which together shall  
12 constitute one instrument.

13 3. The Court shall retain jurisdiction to hear all disputes arising from this Stipulation.

14 Dated: November 19, 2015

PACHULSKI STANG ZIEHL & JONES LLP

15  
16 By: /s/ Linda F. Cantor  
Linda F. Cantor

17 Counsel for R. Todd Neilson, Chapter 7 Trustee for  
18 the Tulving Company, Inc.  
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1 Dated: November 18, 2015

HANNES TULVING, JR., IN HIS INDIVIDUAL  
CAPACITY AND AS AN AUTHORITIES SIGNATORY  
FOR THE TULVING CO., INC.

2  
3  
4 By: Hannes Tulving, Jr. *myntw*  
Hannes Tulving, Jr.

5 Dated: November 19, 2015

JAMES F. WYATT, ESQ.

6  
7 By: James F. Wyatt  
8 Attorney for Hannes Tulving, Jr.  
Attorney for The Tulving Co., Inc.

9  
10 Dated: November \_\_, 2015

JILL WESTMORELAND ROSE  
Acting United States Attorney for the Western  
District of North Carolina  
Attorney for Plaintiff

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12  
13 By: \_\_\_\_\_  
14 Benjamin Bain-Creed  
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Dated: November \_\_, 2015

HANNES TULVING, JR., IN HIS INDIVIDUAL  
CAPACITY AND AS AN AUTHORITIES SIGNATORY  
FOR THE TULVING CO., INC.

By: \_\_\_\_\_  
Hannes Tulving, Jr.

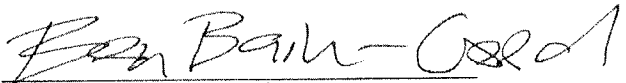
Dated: November \_\_, 2015

JAMES F. WYATT, ESQ.

By: \_\_\_\_\_  
Attorney for Hannes Tulving, Jr.  
Attorney for The Tulving Co., Inc.

Dated: November 19, 2015

JILL WESTMORELAND ROSE  
~~Acting~~ United States Attorney for the Western  
District of North Carolina  
Attorney for Plaintiff

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