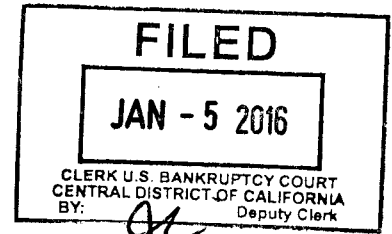


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**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SANTA ANA DIVISION**

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K

In re:

THE TULVING COMPANY, INC., a  
California corporation,

Debtors

Case No.: 8:14-bk-11492-ES  
Chapter 7

**MOTION AGAINST RECLASSIFYING  
CLAIM 36-1 FILED BY KENNETH D.  
CHRISTMAN, AND DECLARATIONS**

United States Bankruptcy Court  
411 West Fourth Street  
Santa Ana, CA 92701  
Honorable Erithe A. Smith

Claimant Kenneth D. Christman hereby responds to Motion for reclassifying Claim 36-1 filed by Linda F. Cantor and Jason S. Pomerantz. Claimant not only objects to the motion as being terribly misguided, but also to the abrupt manner in which notice was made, as it was only received on December 24, 2015, with a response demanded by 14 days prior to a hearing date of January 19, 2016. This provides precious little time for any claimant to formulate a response, and represents a callous disregard for claimant's rights and ability to enter a proper and complete response. It further represents a premeditated action to limit the rights of claimant in obtaining a return of stolen property. Claimant Christman vehemently opposes the reclassification of Claim 36-1 to a general unsecured claim, and vehemently opposes granting the Trustee such other and further relief as may be appropriate under the circumstances. Trustee and/or attorneys have filed false declarations that are not supported by factual evidence.

## **BACKGROUND**

In November, 2013, Claimant Kenneth D. Christman (Claim 36-1) purchased from The Tulving Company a specified amount of silver for \$21,230.00. This transaction was over the telephone, and The Tulving Company represented that this was a legally binding transaction. If Claimant Christman had failed to send the specified funds, The Tulving Company represented that it would seek legal action. However, Claimant Christman fulfilled his contractual obligations and timely delivered a check to The Tulving Company in the amount of \$21,230.00. The Tulving Company cashed the check, kept the funds, but refused to send the specified silver even after numerous telephone calls. The silver was NEVER received. Hannes Tulving/The Tulving Company stole the silver and is in possession of stolen goods. This is a criminal matter.

This outright theft of \$21,230.00 is no different from Hannes Tulving entering my home at gun point and removing the same amount of silver. There is absolutely no difference. Hannes Tulving likely intended to never ship the silver, but whether this was premeditated or not, he still kept stolen property that no longer belonged to him.

This is not a situation in which Claimant Christman entered into a business relationship with Hannes Tulving/The Tulving Company in order to profit. This was not a loan of funds. This cannot be a situation in which Claimant 36-1 is simply an unsecured creditor whose claims are about to be washed away by a bankruptcy proceeding. No, this is a savage theft of property that should never be dismissed under any circumstances.

Not only did Hannes Tulving/The Tulving Company steal from Claimant 36-1, but he did the same to many, many others. This represents a monstrous crime against individuals whose property has been kept and never shipped. Others perpetrating such crimes are generally incarcerated. But, apparently not in this case, as Trustee/Attorneys here attempt to improperly reclassify a theft into an unsecured general claim, thus giving Hannes Tulving/The Tulving Company, the ability to wash away the claims of those he has stolen from, allow him to keep stolen property, and perhaps start all over again.

It appears that Hannes Tulving has a history of washing away his liabilities, only to resurface later. This has happened before, and the Court should not allow it to happen again. This motion pleads that the Court NOT reclassify Claim 36-1 into a general unsecured claim, and that the Court treat this matter as a theft that shall never be discharged, and that furthermore, criminal actions be taken until all property thefts are restored. Claimant is of the opinion that Hannes Tulving likely has assets that he does not wish revealed, and that have been sequestered away.

Claimant Christman made numerous phone calls to the Tulving Company about the delay in shipment of his property, but Tulving employees did not allow him to talk to Hannes Tulving, were very rude and condescending, made false claims, and generally protected Hannes Tulving and his refusal to ship the stolen goods he was keeping for himself.

Both Nicholas R. Troszak and Linda F. Cantor make false declarations in stating they have reviewed the books and records of the Debtor, the proofs of claim filed in this case, and state that they do not reflect a basis to support Claimant's priority claim! Quite to the contrary. They have provided and seen the evidence of Claimant Christman's cashed check of \$21,230.00, while there is absolutely NO evidence in the debtor's records that product was shipped. They both know full well that nothing was shipped and the Tulving kept stolen goods for himself. But, they want the Court to pretend that there was no theft, and thus reclassify the theft into a general unsecured claim, as if this was some type of financial loan, or another type of business obligation.

Nothing can be more distasteful or alarming. First, Tulving employees treated Claimant with utter contempt, and now the Trustee/Attorneys continue the same pattern by attempting to deny criminal behavior and wash away thefts via a bankruptcy proceeding. This rises to such a level of concern, that reasonable people would question whether they are doing what is necessary and proper to uncover hidden assets. They certainly have demonstrated contempt to Claimant 36-1.

There have been reports of Trustee taking some of the Tulving property of dubious value, and then

distributing it to those victims of criminal theft. There have also been reports of Trustee/Attorneys being awarded outrageous monetary sums for their efforts. Claimant 36-1 reserves the right to file a future motion to request their services to be terminated, along with a return of funds already received by them. It is painfully obvious that they have no interest in protecting the victims of crime, but rather, seem to be protecting Hannes Tulving or other creditors?

### CONCLUSION

For reasons set forth herein, Claimant Kenneth Christman (Claim 36-1) hereby respectfully requests the Court to completely disregard the motion to classify this claim as a general unsecured claim, and refuse to grant the Trustee such other and further relief as may be appropriate under the circumstances. Claimant respectfully requests that this claim be categorized as a theft, and like all thefts of property, but subject to return to their rightful owners PRIOR to any other distribution. Claimant requests that the Court recognize the false affidavits and take appropriate action to protect Claim 36-1 as well as all other claims resulting from criminal activity.

Dated: January 2, 2016



Kenneth D. Christman  
1965 Loma Linda Lane  
Dayton, Ohio 45459  
Claim 36-1

**DECLARATION OF KENNETH D. CHRISTMAN**

I, Kenneth D. Christman, declare as follows:

1. I was a victim of crime when Hannes Tulving/The Tulving Company sold me silver in November, 2013, but then refused to ship me silver, thus keeping stolen goods that did not belong to him/them. In spite of multiple phone calls, the silver was NEVER shipped. Attorney Troszak and Attorney Cantor know that to be true, as they have provided the Court with a copy of the cancelled check in the amount of \$21,230.00, but having supposedly reviewed the Tulving records, have failed to offer one shred of evidence that the product was shipped. They have provided no evidence that Claimant Christman received the property he paid for.
2. Claimant Christman received Motion filed by Trustee's attorneys just prior to Christmas, 2015, expecting a response by January 5, 2015. Due to holidays, such premeditated action on the part of Trustee/Attorneys is hard evidence that they did not wish to allow victims of theft to be able to properly respond to their motion to reclassify a theft into a general unsecured claim.
3. Claimant Christman recognizes that there are many other victims of crime in the Tulving matter.

I declare under penalty of perjury under the laws of the United States of American that the foregoing is true and correct. Executed this 2<sup>nd</sup> day of January, 2016, in Dayton, Ohio.



Kenneth D. Christman Claim 36-1

**PROOF OF SERVICE**

I declare that I sent via Federal Express a copy of this Motion to the United States Bankruptcy Court, 411 West Fourth Street, Santa Ana, CA 92701 on January 4, 2016.

I declare that I sent via e-mail a copy of the foregoing to Linda F. Cantor at [lcantor@pszjlaw.com](mailto:lcantor@pszjlaw.com), and to Jason S. Pomerantz at [jspomerantz@pszjlaw.com](mailto:jspomerantz@pszjlaw.com) a copy of the foregoing on January 4, 2016.



Kenneth D. Christman  
1965 Loma Linda Lane  
Dayton, Ohio 45459  
January 4, 2016