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

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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

11 In re:
12 THE TULVING COMPANY, INC.,
13 Debtor.

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

Chapter 11

NOTICE OF FILING APPLICATION OF R. TODD NEILSON, CHAPTER 11 TRUSTEE, TO EMPLOY BERKELEY RESEARCH GROUP, LLC, OF WHICH THE TRUSTEE IS A MEMBER, AS ACCOUNTANTS AND FINANCIAL ADVISORS *NUNC PRO TUNC* TO MARCH 21, 2014

[NO HEARING REQUIRED UNLESS REQUESTED PER L.B.R. 2014-1(b)]

19 **TO THE DEBTOR AND ITS COUNSEL, THE OFFICE OF THE UNITED STATES**
20 **TRUSTEE AND ANY PARTY WHO FILED AND SERVED A REQUEST FOR SPECIAL**
21 **NOTICE:**

22 **PLEASE TAKE NOTICE** that R. Todd Neilson, the Chapter 11 Trustee (the “Trustee”),
23 has filed concurrently herewith to the Court an application (the “Application”) to employ Berkeley
24 Research Group, LLC (“BRG”) as accountants and financial advisors for the Trustee in this chapter
25 11 case (the “Estate”) effective as of March 21, 2014.

1 **PLEASE TAKE FURTHER NOTICE** that, subject to the provisions of the Bankruptcy
2 Code, the Bankruptcy Rules, the Local Bankruptcy Rules, and this Court's rules, the Trustee
3 proposes to pay BRG its customary hourly rates in effect from time to time and to reimburse BRG
4 according to its customary reimbursement policies. Nicholas R. Tioszak and David Judd are the
5 persons at BRG who will be primarily responsible for the services provided by BRG and their hourly
6 rates are \$358/hour and \$600/hour, respectively. Mr. Troszak and Mr. Judd will supervise BRG's
7 associates and staff working on this matter.

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

15 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 2014-
16 1(b)(1), a hearing is not required in connection with the Application unless requested by the United
17 States Trustee, a party in interest, or otherwise ordered by the Court. Pursuant to Local Bankruptcy
18 Rule 2014-1(b)(3), any response to the Application and request for hearing must be in the form
19 prescribed by Local Bankruptcy Rule 9013-1(f)(1) and must be filed with the Court and served upon
20 the Trustee, his counsel, and the United States Trustee no later than fourteen (14) calendar days from
21 the date of service of this notice.

22
23 Dated: April 10, 2014

PACHULSKI STANG ZIEHL & JONES LLP

24 By /s/ Linda F. Cantor
25 Linda F. Cantor
26 [Proposed] Counsel for Chapter 11 Trustee
27
28

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 OF FILING APPLICATION OF R. TODD NEILSON, CHAPTER 11 TRUSTEE, TO EMPLOY BERKELEY RESEARCH GROUP, LLC, OF WHICH HE IS A MEMBER, AS ACCOUNTANTS AND FINANCIAL ADVISORS, NUNC PRO TUNC TO MARCH 21, 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 10, 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 10, 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 10, 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 10, 2014

Janice G. Washington

/s/ Janice G. Washington

Date

Printed Name

Signature

1 **1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

2 **8:14-bk-11492-ES Notice will be electronically mailed to:**

3 Andrew S Bisom on behalf of Debtor The Tulving Company Inc
4 abisom@bisomlaw.com

5 Candice Bryner on behalf of Interested Party Candice Bryner
6 candice@brynerlaw.com

7 Stephen L Burton on behalf of Attorney Stephen L. Burton
8 steveburtonlaw@aol.com

9 Linda F Cantor, ESQ on behalf of Trustee R. Todd Neilson (TR)
10 lcantor@pszjlaw.com, lcantor@pszjlaw.com

11 Nancy S Goldenberg on behalf of U.S. Trustee United States Trustee (SA)
12 nancy.goldenberg@usdoj.gov

13 Lawrence J Hilton on behalf of Creditor Jeffrey Roth
14 lhilton@oneil-llp.com, ssimmons@oneil-llp.com;kdonahue@oneil-llp.com

15 Matthew B Learned on behalf of Interested Party Courtesy NEF
16 bknotice@mccarthyholthus.com

17 Elizabeth A Lossing on behalf of U.S. Trustee United States Trustee (SA)
18 elizabeth.lossing@usdoj.gov

19 R. Todd Neilson (TR)
20 tneilson@brg-expert.com, sgreenan@brg-expert.com;tneilson@ecf.epiqsystems.com;ntroszak@brg-
21 expert.com

22 Gary A Pemberton on behalf of Interested Party Courtesy NEF
23 gpemberton@shbllp.com, tlenz@shbllp.com

24 Robert J Pfister on behalf of Interested Party Courtesy NEF
25 rpfister@ktbslaw.com

26 Michael B Reynolds on behalf of Interested Party Courtesy NEF
27 mreynolds@swlaw.com, kcollins@swlaw.com

28 United States Trustee (SA)
ustpreion16.sa.ecf@usdoj.gov

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

30 ***Debtor***
31 **The Tulving Company Inc**
32 P.O. Box 6200
33 Newport Beach, CA 92658

34 ***Counsel for Debtor***
35 **Andrew S Bisom**
36 The Bisom Law Group
37 8001 Irvine Center Drive, Ste. 1170
38 Irvine, CA 92618

Trustee
R. Todd Neilson (TR)
BRG, LLP
2049 Century Park East
Suite 2525
Los Angeles, CA 90067