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

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

14 In re:
15
16 THE TULVING COMPANY, INC., a
17 California corporation,
18
19 Debtor.

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

Chapter 11

**NOTICE OF HEARING ON CHAPTER 11
TRUSTEE'S EXPEDITED MOTION FOR
ORDER: (1) APPROVING THE
EMPLOYMENT OF VAN HORN AUCTIONS
APPRAISAL GROUP, LLC AS AUCTIONEER
FOR THE ESTATE PURSUANT TO 11 U.S.C.
§§ 327 AND 328(A); (2) AUTHORIZING THE
SALE OF ESTATE PROPERTY AT PUBLIC
AUCTION OUTSIDE THE ORDINARY
COURSE OF BUSINESS PURSUANT TO 11
U.S.C. §363(B); (3) AUTHORIZING PAYMENT
OF COSTS AND ALLOWING
COMPENSATION; AND (4) WAIVING 14-
DAY STAY PERIOD**

Hearing:

Date: April 29, 2014

Time: 9:30 a.m.

Place: 411 West Fourth Street
Courtroom 5A
Santa Ana, CA 92701

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25 **PLEASE TAKE NOTICE** that, pursuant to the Court's *Order Granting Application and*
26 *Setting Hearing on Shortened Notice* [Docket No. 55] (the "Hearing Order"), a hearing will be held
27 on **April 29, 2014 at 9:30 a. m.**, before the Honorable Erithe Smith, United States Bankruptcy Judge,
28

1 at the United States Bankruptcy Court for the Central District of California, Santa Ana Division,
2 located at 411 West Fourth Street, Courtroom 5A, Santa Ana, CA 92701, upon the motion of R.
3 Todd Neilson, chapter 11 trustee (the "Trustee") for the bankruptcy case of The Tulving Company
4 (the "Debtor"), for an order approving the employment of Van Horn Auctions Appraisal Group,
5 LLC ("Van Horn"), authorizing the sale of estate property at auction outside the ordinary course of
6 business, authorizing payment of costs and allowing compensation, and waiving 14-day stay period
7 ("Motion").

8 **PLEASE TAKE FURTHER NOTICE** that the Motion seeks an order authorizing the Trustee
9 to sell estate property at premises leased by the Debtor located at 150 West 17th Street, Suite A, Costa
10 Mesa, California on May 13, 2014, outside the ordinary course of business at public auction to be
11 conducted by Van Horn, without further order of this Court, free and clear of any claims, liens or
12 interests. The grounds for the Motion are that the property to be sold is not necessary to the
13 administration of the estate and selling such property will allow the Trustee to reject the lease for the
14 Premises as soon as they are vacant and thereby avoid further incurrence of potential administrative
15 claims against the estate.

16 **PLEASE TAKE FURTHER NOTICE** that the Motion and related pleadings (the "Motion
17 Pleadings") were previously served upon you, along with the Trustee's application for entry of the
18 Hearing Order. If you wish to receive another copy of the Motion Pleadings, please contact the
19 office of proposed counsel for the Trustee, attn.: Patricia Jefferies by phone at (310) 277-6910 or by
20 e-mail at pjeffries@pszjlaw.com.

21 **PLEASE TAKE FURTHER NOTICE** that pursuant to the Hearing Order, any opposition
22 to the Motion must be filed with the Court and served on proposed counsel for the Chapter 11
23 Trustee at the address set forth on the first page of this notice, so that it is received by **April 25,**
24 **2014.** A reply to any opposition to the Motion may be made orally at the hearing.

25 Dated: April 18, 2014

PACHULSKI STANG ZIEHL & JONES LLP

26
27 By: /s/ Linda F. Cantor
Linda F. Cantor (SBN 153872)

28 Attorneys for R. Todd Neilson, Chapter 11 Trustee

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Linda F. Cantor (CA Bar No. 153762) PACHULSKI STANG ZIEHL & JONES LLP 10100 Santa Monica Blvd., 13th Floor Los Angeles, CA 90067 Telephone: 310/277-6910 Facsimile: 310/201-0760 Email: lcantor@pszjlaw.com <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: R. Todd Neilson, Chapter 11 Trustee	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 10px; text-align: center;"> FILED & ENTERED <div style="border: 1px solid black; padding: 5px; display: inline-block;"> APR 18 2014 </div> CLERK U.S. BANKRUPTCY COURT Central District of California BY reid DEPUTY CLERK </div>
CHANGES MADE BY COURT	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION	
In re: THE TULVING COMPANY, INC., a California corporation Debtor(s).	CASE NO.: 8:14-bk-11492-ES CHAPTER: 11 ORDER: <input checked="" type="checkbox"/> GRANTING APPLICATION AND SETTING HEARING ON SHORTENED NOTICE <input type="checkbox"/> DENYING APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE <div style="text-align: right;">[LBR 9075-1(b)]</div>
Movant (name): R. Todd Neilson, Chapter 11 Trustee	

1. Movant filed the following motion together with supporting declarations and (if any) supporting documents:
 - a. *Title of motion:* APPLICATION FOR ORDER SHORTENING NOTICE PERIOD FOR HEARING ON CHAPTER 11 TRUSTEE'S EXPEDITED MOTION FOR ORDER: (1) APPROVING THE EMPLOYMENT OF VAN HORN AUCTIONS APPRAISAL GROUP, LLC AS AUCTIONEER FOR THE ESTATE PURSUANT TO 11 U.S.C. §§ 327 AND 328(A); (2) AUTHORIZING THE SALE OF ESTATE PROPERTY AT PUBLIC AUCTION OUTSIDE THE ORDINARY COURSE OF BUSINESS PURSUANT TO 11 U.S.C. §363(B); (3) AUTHORIZING PAYMENT OF COSTS AND ALLOWING COMPENSATION; AND (4) WAIVING 14-DAY STAY PERIOD
 - b. *Date of filing of motion:* April 17, 2014
2. Pursuant to LBR 9075-1(b), movant also filed an Application for Order Setting Hearing on Shortened Notice (Application) together with supporting declaration(s):

Date of filing of Application: April 17, 2014
3. Based upon the court's review of the Application, it is ordered that:
 - a. The Application is denied. The motion may be brought on regular notice pursuant to LBRs.
 - b. The Application is granted, and it is further ordered:

- (1) A hearing on the motion will take place as follows:

Hearing date: April 29, 2014	Place:
Time: 9:30 a.m.	<input type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012
Courtroom: 5A	<input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367
	<input type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501
	<input checked="" type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701
	<input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101

- (2) No later than the deadlines given, **telephonic notice** of the hearing must be provided to all persons/entities listed:

(A) <u>Deadlines:</u> Date: April 18, 2014 Time: 3:00 p.m.	(B) <u>Persons/entities to be provided with telephonic notice:</u> Secured creditors or their counsel
<input type="checkbox"/> See attached page	
(C) <u>Telephonic notice is also required upon</u> the United States trustee	

- (3) No later than the deadlines given, **written notice of the hearing and a copy of this order** must be served upon all persons/entities listed using: one of the methods checked all of the methods checked

(A) Personal Delivery Overnight Mail First class mail Facsimile* Email*

(B) <u>Deadlines:</u> Date: April 18, 2014 Time:	(C) <u>Persons/entities to be served with written notice and a copy of this order:</u> Debtor, Debtor's counsel, and all creditors
<input type="checkbox"/> See attached page	
(D) <u>Service is also required upon:</u> -- United States trustee (<i>electronic service is not permitted</i>) -- Judge's copy personally delivered to chambers (<i>see Court Manual for address</i>)	

- (4) No later than the deadlines given, a copy of the motion, declarations, and supporting documents (if any), must be served on all persons/entities listed using: one of the methods checked all of the methods checked
- (A) Personal Delivery Overnight Mail First Class Mail Facsimile* Email*

(B) <u>Deadlines:</u> Date: April 18, 2014 Time:	(C) <u>Persons/entities to be served with motion, declarations, supporting documents:</u> Debtor, Debtor's counsel, and all creditors
<input type="checkbox"/> See attached page	
(D) <u>Service is also required upon:</u> -- United States trustee (no electronic service permitted) -- Judge's copy personally delivered to chambers (see Court Manual for address)	

- (5) Regarding opposition to the motion
- opposition to the motion may be made orally at the hearing
- Opposition to be filed and served on Chapter 11 Trustee's counsel so that it is received by April 25, 2014

- (6) Regarding a reply to an opposition:
- a reply to opposition may be made orally at the hearing.
- no later than the deadlines given, a **written reply to an opposition** must be filed with the court and served on all persons/entities listed using: one of the methods checked all of the methods checked
- (A) Personal Delivery Overnight Mail First Class Mail Facsimile* Email*

(B) <u>Deadlines:</u> Date: Time:	(C) <u>Persons/entities to be served with written reply to opposition:</u> – All persons/entities who filed a written opposition (D) <u>Service is also required upon:</u> – United States trustee (electronic service is not permitted) – Judge's Copy personally delivered to chambers (see Court Manual for address)
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(7) Other requirements:


(8) No later than the deadlines given, movant must file a **Declaration of Notice and Service** establishing that telephonic notice, written notice, and service of the motion and this order was completed as set forth above, and a **judge's copy** of the Declaration of Notice and Service must be personally delivered to the judge's chambers:

<input checked="" type="checkbox"/> at least 2 days before the hearing.
<input type="checkbox"/> no later than: Date: Time:

* Service by electronic means (facsimile or email) requires compliance with F.R.Civ.P. 5(b)(2)(E).

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Date: April 18, 2014


Erithe Smith
United States Bankruptcy Judge

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 HEARING ON CHAPTER 11 TRUSTEE'S EXPEDITED MOTION FOR ORDER: (1) APPROVING THE EMPLOYMENT OF VAN HORN AUCTIONS APPRAISAL GROUP, LLC AS AUCTIONEER FOR THE ESTATE PURSUANT TO 11 U.S.C. §§ 327 AND 328(A); (2) AUTHORIZING THE SALE OF ESTATE PROPERTY AT PUBLIC AUCTION OUTSIDE THE ORDINARY COURSE OF BUSINESS PURSUANT TO 11 U.S.C. §363(B); (3) AUTHORIZING PAYMENT OF COSTS AND ALLOWING COMPENSATION; AND (4) WAIVING 14-DAY STAY PERIOD** 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 18, 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 _____, 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 FEDERAL EXPRESS (SATURDAY DELIVERY) WITH STREET ADDRESSES AND SERVED BY EXPRESS MAIL (NEXT AVAILABLE BUSINESS DAY) WITH POST OFFICE BOXES:

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on April 18, 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 18, 2014
Date

Janice G. Washington
Printed Name

/s/ Janice G. Washington
Signature

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

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