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

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

11 In re:

12 THE TULVING COMPANY, INC., a
13 California corporation,

14 Debtor.

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

Chapter 11

**NOTICE OF MOTION OF R. TODD
NEILSON, CHAPTER 11 TRUSTEE, FOR
ORDER CONVERTING CASE TO
CHAPTER 7**

Date: May 22, 2014

Time: 10:30 a.m.

Place: United States Bankruptcy Court
21041 Burbank Blvd.
Courtroom 302
Woodland Hills, CA

Judge: Erithe A. Smith

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21 **TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY
22 JUDGE, THE DEBTOR, THE UNITED STATES TRUSTEE, CREDITORS AND ALL
PARTIES REQUESTING SPECIAL NOTICE:**

23 **PLEASE TAKE NOTICE** that a hearing will be held on **May 22, 2014 at 10:30 a.m.**, or as
24 soon thereafter as counsel may be heard, upon the motion (the "Motion") of R. Todd Neilson, the
25 duly appointed chapter 11 trustee ("Trustee") for the estate of Tulving Company, Inc. ("Debtor"), for
26 entry of an order converting this chapter 11 case to a case under chapter 7 of the Bankruptcy Code.
27 The grounds for the Motion are that the Debtor has ceased all business operations, the Debtor has no
28 operating income, and there is no reasonable likelihood of rehabilitation of the Debtor.

1 **PLEASE TAKE FURTHER NOTICE** that the Motion is based upon this Notice, the facts
2 and legal analysis set forth in the Motion , its accompanying Memorandum of Points and Authorities
3 and the supporting Declaration of R. Todd Neilson filed therewith (collectively, the “Motion
4 Pleadings”), the record in this case and any other evidence before the Court prior to or at the hearing
5 on the Motion, and all matters of which this Court may properly take judicial notice. If you wish to
6 obtain a copy of the Motion Pleadings, please contact the office of proposed counsel for the Trustee,
7 attn.: Patricia Jefferies by phone at (310) 277-6910 or by e-mail at pjeffries@pszjlaw.com.

8 **PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Bankruptcy Rule 9013-1(f),
9 if you wish to oppose the Motion, you must file a written response with the Court and serve a copy
10 of it upon the undersigned counsel no later than fourteen (14) days prior to the hearing on the
11 Motion. The failure to properly file and serve an opposition may be deemed consent to the relief
12 requested in the Motion or a waiver of any right to oppose the Motion.

13 Dated: April 30, 2014

PACHULSKI STANG ZIEHL & JONES LLP

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

17 Proposed Counsel for R. Todd Neilson,
18 Chapter 11 Trustee
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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 entitled **NOTICE OF MOTION OF R. TODD NEILSON, CHAPTER 11 TRUSTEE, FOR ORDER CONVERTING CASE TO CHAPTER 7** 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 30, 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 30, 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 30, 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 30, 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 Other Professional Pachulski Stang Ziehl & Jones LLP
10 lcantor@pszjlaw.com, lcantor@pszjlaw.com

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

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

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

17 John H Kim on behalf of Interested Party Courtesy NEF
18 jkim@cookseylaw.com

19 Matthew B Learned on behalf of Interested Party Courtesy NEF
20 bknotice@mccarthyholthus.com

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

23 R. Todd Neilson (TR)
24 tneilson@brg-expert.com, sgreenan@brg-expert.com; tneilson@ecf.epiqsystems.com; ntroszak@brg-expert.com

25 Gary A Pemberton on behalf of Interested Party Courtesy NEF
26 gpemberton@shbllp.com, hdillion@shbllp.com; tlenz@shbllp.com

27 Robert J Pfister on behalf of Interested Party Courtesy NEF
28 rpfister@ktbslaw.com

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

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

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

2 *Debtor*

3 **The Tulving Company Inc**
4 P.O. Box 6200
Newport Beach, CA 92658

5 *Counsel for Debtor*

6 **Andrew S Bisom**
The Bisom Law Group
8001 Irvine Center Drive, Ste. 1170
7 Irvine, CA 92618

8 *Trustee*

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

11 *U.S. Trustee*

12 **United States Trustee (SA)**
411 W Fourth St., Suite 9041
13 Santa Ana, CA 92701-4593

14 *Counsel for U.S. Trustee*

15 **Nancy S Goldenberg**
411 W Fourth St Ste 9041
16 Santa Ana, CA 92701-8000

17 *Laurence P Nokes on behalf of Interested*

18 **Party John Frankel**
Nokes & Quinn
410 Broadway St Ste 200
19 Laguna Beach, CA 92651

20 *Accountants for Landlord*

21 Brent Murdoch
Murdoch & Morris, LLP
114 Pacifica, Ste. 320
22 Irvine, CA 92618

23 *Interested Party*

24 Frye & Hsieh
Douglas J Frye Esquire
24955 Pacific Coast Highway # A201
25 Malibu, CA 90265

26 *Counsel for Creditor Levon Gugasian*

27 Nanette D. Sanders, Esq.
Ringstad & Sanders LLP
2030 Main Street
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28 Irvine, CA 92614