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Attorneys for Plaintiff Victor Hannan

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**VICTOR HANNAN**, individually and on behalf of a class of similarly situated persons,

Plaintiff,

v.

**THE TULVING COMPANY, INC.**, a California Corporation; and **HANNES TULVING, JR.**, a California resident,

Defendants.

Case No. 5:14-cv-01054-EJD

**PLAINTIFF'S STATUS STATEMENT  
PURSUANT TO ORDER DATED  
APRIL 1, 2014**

Date: April 4, 2014  
Time: 1:30 p.m.  
Ctrm: 4, 5th Flr.  
Judge: The Hon. Edward J. Davila



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1 Pursuant to the Court's Order dated April 1, 2014 [D.E. No. 40], Plaintiff Victor  
2 Hannan, by and through his undersigned counsel, hereby submits the following status  
3 statement to update the Court on the following issues.

4  
5 **1. Whether service of process has been accomplished on any of the defendants.**

6 Despite best efforts, Plaintiff's counsel has not been able to personally serve  
7 Defendant Hannes Tulving, Jr. with process or the temporary restraining order entered  
8 by the Court. Since the March 18 hearing, Plaintiff's counsel has continued its  
9 investigation of Mr. Tulving's whereabouts by questioning several people with knowledge  
10 of Mr. Tulving. Plaintiff's counsel has also sought information about Mr. Tulving's  
11 whereabouts by serving the subpoena authorized by the Court and addressed below.  
12 Despite these efforts, Plaintiff's counsel has not been able to locate or serve Mr. Tulving.  
13 As of the filing of this statement, Plaintiff's counsel continues to investigate Mr. Tulving's  
14 whereabouts and to attempt service.

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16 **2. Whether and when Plaintiff served the subpoena authorized in the order filed**  
17 **March 21, 2014 (Docket Item No. 39).**

18 On March 21, 2014 (*i.e.* the same day the Court issued its order authorizing the  
19 subpoena), Plaintiff served the subpoena on California Bank & Trust.

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21 **3. When California Bank and Trust is scheduled to respond to the subpoena.**

22 California Bank & Trust produced documents in response to the subpoena on  
23 March 31, 2014.

24  
25 **4. Whether the hearing scheduled for April 4, 2014, should be rescheduled to**  
26 **allow for further efforts directed at accomplishing service, and if so, the**  
27 **appropriate date for such rescheduled hearing.**

28 Plaintiff requests that the Court reschedule the April 4, 2014 to April 25, 2014.



1 While the documents produced by California Bank & Trust do not provide new addresses  
2 for Mr. Tulving, the documents do identify previously unknown people, who may have  
3 additional information about the whereabouts of Mr. Tulving. The additional time would  
4 allow Plaintiff to follow-up with these people.

5 Furthermore, Plaintiff intends to file a motion asking the Court to approve service  
6 of the complaint on Hannes Tulving, Jr. by alternative means. The filing of this motion  
7 and/or the Court's order in response thereto, may cause Mr. Tulving to appear in this  
8 action. Notably, Mr. Tulving is actively participating in the bankruptcy proceeding  
9 involving The Tulving Company, Inc. (including by signing multiple documents). While  
10 Plaintiff's counsel has apprised The Tulving Company's bankruptcy counsel about this  
11 lawsuit, Plaintiff's counsel has received no response.

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1 **5. Whether the temporary restraining order issued March 10, 2014, should**  
2 **remain in effect pending any rescheduled hearing.**

3 The current temporary restraining order is relatively narrow in scope. The order  
4 only applies to Mr. Tulving, and it only applies to precious metals in his possession and  
5 his control over a single company bank account. Given the hundreds of consumers  
6 who placed in the aggregate millions of dollars of unfulfilled orders with The Tulving  
7 Company, some of whom communicated directly with Mr. Tulving about these orders,  
8 extending the temporary restraining order until April 25, 2014 is reasonable, considering  
9 its limited scope.

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11 Respectfully submitted,

12 DATED: April 2, 2014

**KRONENBERGER ROSENFELD, LLP**

By: s/ Karl S. Kronenberger  
Karl S. Kronenberger

Attorneys for Plaintiff Victor Hannan

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