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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

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

17 Plaintiff,

18 v.

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

22 Defendant.

Case No. 3:14-cv-01054-JD

**STIPULATION FOR PRELIMINARY
INJUNCTION AND [PROPOSED]
ORDER**

[Fed. R. Civ. P. 65; L.R. 65-1]

Date: TBD
Time: TBD
Ctrm: Courtroom 11 - 19th Floor
Judge: The Hon. James J. Donato
Filed: March 7, 2014

1 Subject to the approval of the Court, Plaintiff Victor Hannan ("Plaintiff") and
2 Defendant Hannes Tulving, Jr, ("Defendant") through their respective counsel of record,
3 hereby stipulate to a preliminary injunction in the above-referenced matter. Plaintiff
4 alleges there is good cause for a preliminary injunction to enter, for the reasons stated
5 in his motion for a temporary restraining order. (See Dkt. No. 8.) Without admitting the
6 allegations in Plaintiff's complaint or Plaintiff's motion for a temporary restraining order,
7 Defendant consents to the preliminary injunctive relief contained herein. The terms of
8 the preliminary injunction are as follows.

9 **DEFINITIONS**

10 As used in this order:

11 a) "Defendant" means Hannes Tulving, Jr.; and any and all other names
12 under which Defendant does business, and any subsidiaries, corporations,
13 partnerships, divisions, or other entities directly or indirectly owned, operated, managed,
14 or controlled by Defendant.

15 b) "Representative" means the following persons or entities who receive
16 actual notice of this order by personal service, alternative service as authorized herein,
17 or otherwise: (a) Defendant's agents, employees, servants, and attorneys; and (b) all
18 other persons who are in active concert or participation with Defendant or his agents,
19 employees, servants, or attorneys.

20 **PRELIMINARY INJUNCTION**

21 1. Asset Freeze. Except as provided in paragraph 5 below, Defendant and
22 his representatives are preliminarily enjoined from transferring, liquidating, converting,
23 encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning,
24 spending, withdrawing, granting a lien or security interest or other interest in, or
25 otherwise disposing of the following accounts (and assets deposit therein) and property:

26 - California Bank & Trust account ending in the digits 2481 and 9491, in the
27 name of The Tulving Company, Inc. and/or Hannes Tulving, Jr.

28 - Any other banking, checking, deposit, or similar such account held or controlled

1 by The Tulving Company, Inc. and/or Hannes Tulving, Jr after obtaining court approval.

2 - All metal products, including any gold, silver, platinum, or palladium coins or
3 bars in the possession, custody, or control of either The Tulving Company, Inc. and/or
4 Hannes Tulving, Jr.

5 (In any correspondence regarding this order that is sent to any financial
6 institution, Plaintiff's counsel shall identify all known implicated account numbers in a
7 cover letter.)

8 2. Asset Freeze – Financial Institutions. Any financial or brokerage
9 institution, business entity, or person served with a copy of this order that holds,
10 controls, or maintains custody of any account or asset in the name of Defendant, that is
11 mentioned in paragraph 1 above, shall hold and retain within its control and prohibit the
12 withdrawal, removal, assignment, transfer, pledge, encumbrance, disbursement,
13 dissipation, conversion, sale, or other disposal of any such account or asset, except by
14 further order of the Court.

15 3. Provision of Account Information to Plaintiff. Within seven days of entry of
16 this Order, Defendant shall provide Plaintiff with a list of all personal financial accounts,
17 including account numbers, that Defendant has held since January 1, 2013.

18 4. Duration of Preliminary Injunction. This preliminary injunction shall expire
19 upon resolution of this matter.

20 5. Exception to Asset Freeze. Defendant is permitted to withdraw no more
21 than \$10,000 per month from his personal banking accounts in order to pay his
22 necessary living expenses, including any housing, food, and utilities. No other
23 withdrawals from the accounts referenced in Paragraph 1 will be permitted for any
24 reason, with the exception of attorney's fees, absent further order from this Court.
25 Furthermore, nothing in this paragraph authorizes Defendant to dispose of any metal
26 products, including any gold, silver, platinum, or palladium coins or bars in the
27 possession, custody, or control of Defendant or The Tulving Company, Inc. When
28 requested by Plaintiff, but no more than monthly, Defendant shall provide a report to

1 Plaintiff and the Court identifying all funds withdrawn from any financial account and the
2 use of such funds.

3 **RETENTION OF JURISDICTION; WAIVER OF UNDERTAKING**

4 The Court shall retain jurisdiction over this matter for all purposes. No bond,
5 undertaking, or other security shall be required of Plaintiff for the issuance of the
6 temporary restraining order or as a condition for the effect of such order.

7
8 Respectfully submitted,

9 DATED: May 6, 2014

KRONENBERGER ROSENFELD, LLP

10
11 By: s/ Karl S. Kronenberger
12 Karl S. Kronenberger

13 Attorneys for Plaintiff

14 DATED: May 6, 2014

Of Counsel:

SHAPIRO HABER & URMY LLP

15 Edward F. Haber (pro hac vice
16 forthcoming)

17 Patrick J. Vallely (pro hac vice
18 forthcoming)


GRUENBECK & VOGELER

19
20 DATED: May 6, 2014

21 By: s/ William K. Vogeler
22 William K. Vogeler

23 Attorneys for Defendant Hannes Tulving,
24 Jr.

25 DATED: May 6, 2014

26 By: 
27 Hannes Tulving Jr.

28 Defendant

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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to Local Rule 5-1(i)(3), the filer hereby attests that concurrence in the filing of this document has been obtained from each of the other signatories, which shall serve in lieu of their signatures on the document.

Respectfully Submitted,

DATED: May 6, 2014

KRONENBERGER ROSENFELD, LLP

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

Attorneys for Plaintiff

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[PROPOSED] ORDER

Having reviewed the Parties' stipulation and good cause appearing, **IT IS SO ORDERED** that the Parties' stipulation for preliminary injunction is adopted and entered as an order of the Court.

Dated: _____

The Honorable James Donato
United States District Court Judge