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5 [Proposed] Counsel for R. Todd Neilson, Chapter 7 Trustee
6 for The Tulving Company, Inc.

7
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 7

**NOTICE PURSUANT TO LOCAL
BANKRUPTCY RULE 2014-1(B)(2)(A) OF
SUBMISSION OF APPLICATION OF THE
CHAPTER 7 TRUSTEE FOR THE
TULVING COMPANY, INC., FOR ORDER
APPROVING EMPLOYMENT OF
PACHULSKI STANG ZIEHL & JONES
LLP AS GENERAL BANKRUPTCY
COUNSEL TO THE TRUSTEE *NUNC PRO
TUNC TO MAY 22, 2014***

[Relates To Docket No. 133]

[No Hearing Required Per Local Bankruptcy
Rule 2014-1(b)(1)(C)]

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22 **TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY JUDGE,**
23 **THE OFFICE OF THE UNITED STATES TRUSTEE AND PARTIES WHO HAVE**
24 **REQUESTED SPECIAL NOTICE:**

25 **PLEASE TAKE NOTICE** that R. Todd Neilson, duly appointed chapter 7 trustee
26 (“Trustee”) in the above-captioned bankruptcy case (the “Case”), has filed his *Application of the*
27 *Chapter 7 Trustee for The Tulving Company, Inc., for Order Approving Employment of Pachulski*
28 *Stang Ziehl & Jones LLP, as General Bankruptcy Counsel Nunc Pro Tunc to May 22, 2014* (the

1 “Application”) [Docket No. 133]¹ with the United States Bankruptcy Court for the Central District
2 of California, Santa Ana Division.

3 **PLEASE TAKE FURTHER NOTICE** that by way of the Application, the Trustee seeks
4 Court approval of the proposed employment effective as of May 22, 2014, for the Firm, among other
5 things, to render the following services to the Trustee:

6 a. Advising the Trustee concerning the rights and remedies of the Estate in
7 regard to the assets of the Estate, and with respect to secured, administrative, priority and general
8 unsecured claims, including, but not limited to, the review and reconciliation of Claims;

9 b. Representing the Trustee in connection with financial and business matters,
10 including the sale of any assets and potential recovery of assets;

11 c. Representing the Trustee in connection with the investigation and prosecution,
12 to the extent the Trustee deems appropriate, potential causes of action against persons or entities
13 relating to the Estate, including, but not limited to, potential claims against insiders and related
14 parties;

15 d. Investigating and prosecuting preference, fraudulent transfer and other
16 actions, if any, arising under the Trustee’s avoiding powers;

17 e. Representing the Trustee in any proceeding or hearing in the Bankruptcy
18 Court, and in any action in other courts where the rights of the Estate may be litigated or affected;

19 f. Conducting examinations of witnesses, claimants, or adverse parties and
20 preparing and assisting in the preparation of motions, applications, answers, orders, memoranda,
21 reports and accounts;

22 g. Advising the Trustee concerning the requirements of the Bankruptcy Code,
23 the Bankruptcy Rules, the Local Rules and the requirements of the Office of the United States
24 Trustee relating to the administration of the estate and assisting, if requested by the Trustee, in the
25 filing of Schedules, Statement of Financial Affairs and other required documents; and

26 h. Rendering such other advice and service, as the Trustee may require in
27 connection with this Case.

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¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Application.

1 **PLEASE TAKE FURTHER NOTICE** that it is contemplated that the Firm will seek
2 interim compensation during the case as permitted by sections 330 and 331 of the Bankruptcy Code,
3 Bankruptcy Rule 2016, and Local Bankruptcy Rule 2016-1. The Firm understands that its
4 compensation in this Case will be paid by the Estate and is subject to the prior approval of the Court.
5 No compensation will be paid except upon application to and approval by the Court after notice and
6 a hearing in accordance with sections 330 and 331 of the Bankruptcy Code, Bankruptcy Rule 2016,
7 and Local Bankruptcy Rule 2016-1.

8 **PLEASE TAKE FURTHER NOTICE** that the Trustee, solely in his capacity as chapter 7
9 trustee, desires to employ PSZ&J and to compensate PSZ&J reasonable fees to be determined by the
10 Court. The Firm has received no retainer in this Case. The attorneys currently expected to be
11 principally responsible for the Case, and their respective hourly rates effective as of January 1, 2014
12 are as follows: Linda F. Cantor \$850, and Jason S. Pomerantz \$665. The hourly rate for the
13 paralegal assigned to the Case, Patricia Jeffries, is \$295. A list of the hourly rates for all of the
14 Firm's attorneys and paralegals is attached to the Application. Other of the Firm's attorneys and
15 paralegals may from time to time serve the Trustee as the demands of the Trustee and this Case may
16 require.

17 **PLEASE TAKE FURTHER NOTICE** that pursuant Local Rule 2014-1(b)(1)(C), a hearing
18 is not required in connection with the Application unless requested by the United States Trustee, a
19 party in interest, or otherwise ordered by the Court. Pursuant to Local Rule 2014-1(b)(3)(E), any
20 objection to the proposed Application and request for hearing must be in the form prescribed by
21 Local Rule 9013-1(f)(1) and must be filed and served on the Trustee, its proposed counsel, and the
22 Office of the United States Trustee **no later than fourteen (14) days from the date of service of**
23 **this notice.** A true and correct copy of the Application can be obtained by contacting Patricia
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1 Jeffries, Paralegal, at Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd, 13th Floor, Los
2 Angeles, California 90067, Telephone: (310) 277-6910, Email: pjeffries@pszjlaw.com.

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4 Dated: June 12, 2014

PACHULSKI STANG ZIEHL & JONES LLP

5 By /s/ Linda F. Cantor

Linda F. Cantor

Jason S. Pomerantz

7 [Proposed] Counsel for R. Todd Neilson,
8 Chapter 7 Trustee for the Tulving
9 Company, Inc.

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 PURSUANT TO LOCAL BANKRUPTCY RULE 2014-1(B)(2)(A) OF SUBMISSION OF APPLICATION OF THE CHAPTER 7 TRUSTEE FOR THE TULVING COMPANY, INC., FOR ORDER APPROVING EMPLOYMENT OF PACHULSKI STANG ZIEHL & JONES LLP AS GENERAL BANKRUPTCY COUNSEL TO THE TRUSTEE NUNC PRO TUNC TO MAY 22, 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 June 12, 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 June 12, 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 June 12, 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.

June 12, 2014
Date

Janice G. Washington
Printed Name

/s/ Janice G. Washington
Signature

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

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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
abisom@bisomlaw.com

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

6 Philip Burkhardt on behalf of Other Professional Karen Duddleston
phil@burkhardtandlarson.com, stacey@burkhardtandlarson.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
lcantor@pszjlaw.com, lcantor@pszjlaw.com

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

12 David L Gibbs on behalf of Creditor Kenneth W Stach
david.gibbs@gibbslaw.com, ecf@gibbslaw.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
lhilton@oneil-llp.com, ssimmons@oneil-llp.com;kdonahue@oneil-llp.com

16 John H Kim on behalf of Creditor Ford Motor Credit Company LLC
17 jkim@cookseylaw.com

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

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

21 Jason S Pomerantz on behalf of Trustee R. Todd Neilson (TR)
22 jspomerantz@pszjlaw.com, jspomerantz@pszjlaw.com

23 Nanette D Sanders on behalf of Creditor Levon Gugasian
becky@ringstadlaw.com

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