

1 PETER C. ANDERSON

United States Trustee

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Assistant U.S. Trustee

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

10 THE TULVING COMPANY, INC.,

) CASE NUMBER: 8:14-bk-11492-ES

)
CHAPTER 7

11
12 Debtor.

STIPULATION REGARDING
APPOINTMENT OF CONSUMER
PRIVACY OMBUDSMAN

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14
15 [NO HEARING NEEDED]

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17 The United States Trustee for Region 16 ("U.S. Trustee), by and through his attorney, Frank M.
18 Cadigan, and the Chapter 11 Trustee of The Tulving Company Inc., Case No. 8:14-bk-11492-ES, R. Todd
19 Neilson by and through his attorney Linda Cantor, of Pachulski Stang Zieho & Jones, LLP, hereby submit
20 this stipulation requesting that the Court direct the appointment of a Consumer Privacy Ombudsman in this
21 case as set forth below. The parties hereby stipulate as follows:
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24 **RECITALS**

- 25 1. On March 10, 2014 a voluntary petition for relief under Chapter 11 was filed in the case of The
26 Tulving Company Inc. ("Debtor"), Case No. 8:14-bk-11492-ES.
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28 2. The Debtor is primarily engaged in the internet business of buying and selling coins.

1 3. On March 21, 2014, an order was entered, [Docket # 22] ordering the appointment of R. Todd
2 Neilson as Chapter 11 Trustee.

3 4. On May 29, 2014, the Debtor's case was converted from a case under Chapter 11 to a case under
4 Chapter 7. R. Todd Neilson is the duly appointed, qualified, and acting Chapter 7 Trustee.

5 5. In connection with the administration of the estate's assets, the Chapter 7 Trustee has been
6 approached by various third parties interested in purchasing the Debtor's domain names, websites and
7 customer lists.

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9 6. In the opinion of the Chapter 7 Trustee, and after interpreting language that appeared in hyper-links
10 from the Tulving website, the Chapter 7 Trustee is of the opinion that a privacy policy exists that would
11 require the appointment of a Consumer Privacy Ombudsman, in connection with any sale under 11 U.S.C.
12 § 363(b)(1)

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14 WHEREFORE, the parties stipulate to the appointment of a Consumer Privacy Ombudsman and
15 request that the Court approve this Stipulation and enter an Order directing the U.S. Trustee to appoint a
16 Consumer Privacy Ombudsman in this case, with fees capped at \$15,000.

17 UNITED STATES TRUSTEE FOR REGION 16

18 Dated: September 3, 2014

19 /s/ Frank M. Cadigan
20 By: Frank M. Cadigan
21 Assistant U.S. Trustee

22 PACHULSKI STANG ZIEHI & JONES, LLP

23
24 Dated: 9/8/14

25 Linda Cantor
26 By: Linda Cantor
27 Attorney for the Chapter 7 Trustee
28

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:

OFFICE OF THE U.S. TRUSTEE, 411 W. 4th St., #9041, Santa Ana, CA 92701

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION REGARDING APPOINTMENT OF CONSUMER PRIVACY OMBUDSMAN** 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 **September 9, 2014**, 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:

- Andrew S Bisom abisom@bisomlaw.com
- Candice Bryner candice@brynerlaw.com
- Philip Burkhardt phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com
- Stephen L Burton steveburtonlaw@aol.com
- Linda F Cantor lcantor@pszjlaw.com, lcantor@pszjlaw.com
- David L Gibbs david.gibbs@gibbslaw.com, ecf@gibbslaw.com
- Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- Lawrence J Hilton lhilton@oneil-llp.com, ssimmons@oneil-llp.com;kdonahue@oneil-llp.com
- John H Kim jkim@cookseylaw.com
- R. Todd Neilson (TR) tneilson@brg-expert.com, sgreenan@brg-expert.com;tneilson@ecf.epiqsystems.com;ntroszak@brg-expert.com
- Jason S Pomerantz jspomerantz@pszjlaw.com, jspomerantz@pszjlaw.com
- Nanette D Sanders becky@ringstadlaw.com
- Richard C Spencer rspencer@rspencerlaw.com
- United States Trustee (SA) ustregion16.sa.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL: On **September 9, 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.

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

Wesley H. Avery, Esq., 6055 E. Washington Blvd., #500, Los Angeles, CA 90040

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 **September 9, 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.

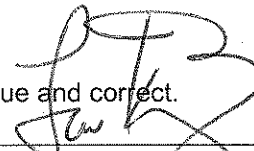
Honorable Erithe Smith--bin on the 5th fl.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

9/9/14

Tari King

/s/ Tari King



This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.