

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address                  Linda F. Cantor (CA Bar No. 153762)                  Jonathan J. Kim (CA Bar No. 180761)                  PACHULSKI STANG ZIEHL &amp; JONES LLP                  10100 Santa Monica Boulevard, 13<sup>th</sup> Floor                  Los Angeles, CA 90067                  Telephone: 310/277-6910                  Facsimile: 310/201-0760                  Email: <a href="mailto:lcantor@pszilaw.com">lcantor@pszilaw.com</a>, <a href="mailto:jkim@pszilaw.com">jkim@pszilaw.com</a></p> <p><input checked="" type="checkbox"/> Attorneys for R. Todd Neilson, chapter 7 Trustee  <input type="checkbox"/> Debtor(s) appearing without an attorney</p>	<p>FOR COURT USE ONLY</p>
<p><b>UNITED STATES BANKRUPTCY COURT                  CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION</b></p>	
<p>In re:                   THE TULVING COMPANY, INC., a California corporation</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 8:14-bk-11492-ES                  CHAPTER: 7</p> <p style="text-align: center;"><b>NOTICE OF MOTION AND MOTION UNDER                  LBR 2016-2 FOR APPROVAL OF CASH                  DISBURSEMENTS BY THE TRUSTEE;                  OPPORTUNITY TO REQUEST HEARING; AND                  DECLARATION OF TRUSTEE</b></p> <p style="text-align: center;">[No hearing unless requested under LBR 9013-1(o)]</p>

TO PARTIES IN INTEREST:

PLEASE TAKE NOTICE that the duly-appointed chapter 7 trustee has filed the following motion for court approval of the trustee's request to make cash disbursements. The court may grant the motion authorizing expenditure of estate funds without a hearing unless you file with the court and serve upon the trustee and the United States trustee a written objection to the motion explaining all of the reasons for the opposition WITHIN 14 DAYS AFTER THE DATE OF SERVICE OF THIS NOTICE OF MOTION AND MOTION, plus 3 additional days if you were served by mail, electronically, or pursuant to F.R.Civ.P. 5(b)(2)(D), (E), or (F). If an objection is timely filed, the trustee will set the matter for hearing and notify you of the date and time of the hearing. Failure to object may be deemed consent to interim authorization of the expenses requested by the trustee.

The trustee moves for an order authorizing cash disbursements from property of the estate as follows:

1. A brief summary of the case is attached as Exhibit A.
2. The estimated date for submitting a final report is unknown at this time..

3. Cash disbursements period: 1/1/15 to 12/31/15
4. A detailed analysis and justification of the trustee's expenses is included in Exhibit B.
5. Final approval of all expenditures will be sought when the trustee files a Final Account and Report (including those paid in accordance with LBR 2016-2).

Date: January 13, 2015

/Linda F. Cantor

Linda F. Cantor

Attorneys for R. Todd Neilson, chapter 7 Trustee

**DECLARATION OF TRUSTEE**

I, R. Todd Neilson, the duly appointed chapter 7 trustee, have prepared the foregoing motion to make cash disbursements and believe the amounts specified in each category are reasonable and necessary for an effective and efficient administration of the estate. If this motion proves to be inaccurate or infeasible, I will submit corrected motions as necessary.

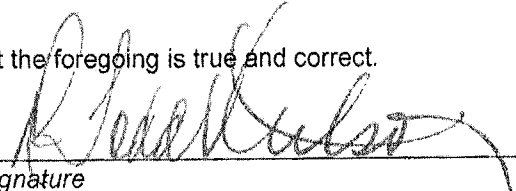
I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 12  
2015

*Date*

R. Todd Neilson

*Printed Name*

  
*Signature*

**EXHIBIT "A"**

**SUMMARY/STATUS OF CASE:**

This cash disbursement motion is filed pursuant to LBR 2016-2 of the United States Bankruptcy Court, Central District of California.

Through review of the Debtor's schedules, information obtained from creditors or information obtained at the Debtor's 341(a) meeting or otherwise, this case appears to have assets and/or potential avoidance actions that may be liquidated for the benefit of creditors.

**A. Procedural Background of Case**

The Debtor commenced this case by the filing of a voluntary petition for relief under chapter 11 of the Bankruptcy Code on March 10, 2014. In light of pending criminal investigation and other ongoing litigation, on March 18, 2014, the United States Trustee filed a *Stipulation Appointing Chapter 11 Trustee* [Docket No. 15] ("Stipulation"), which was signed by both the Debtor and its attorney. The Stipulation was approved by the Bankruptcy Court on March 18, 2014 [Docket No. 16] and an Order was entered by the Court on March 21, 2014 approving the *U.S. Trustee's Application for the Appointment of a Chapter 11 Trustee*, appointing R. Todd Neilson as Trustee of the Debtor's estate [Docket No. 22]. Thereafter upon notice and hearing, the case was converted to a chapter 7 and R. Todd Neilson continues to serve as the chapter 7 Trustee [Docket 108].

**B. The Debtor's Business**

The Debtor is a California corporation. The Debtor was in the business of selling and purchasing gold, silver, coins, bullion, and other precious metals through its internet website or by phone. Prior to the filing of the bankruptcy, customer complaints concerning delayed or undelivered orders were increasingly made to the Better Business Bureau against the Debtor and in early March, 2014, a class-action lawsuit was filed against the Debtor and its principal in the United States District Court, Northern District of California. The Debtor ceased operations on or about March 3, 2014. Shortly before the initiation of these proceedings, a raid was conducted at the business offices of the Debtor by the Secret Service and the Department of Justice and the Debtor's computers and documents were seized for an ongoing criminal investigation.

**EXHIBIT "B"**

**Estimated Recurring Monthly Expenses During the Cash Disbursement Period:**

\$ 200.00 Storage Fees for Documents

\$ 100.00 Bond Fees (to be paid in one annual payment of \$1200)

## 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, 13<sup>th</sup> Floor, Los Angeles, California 90067**

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION UNDER LBR 2016-2 FOR APPROVAL OF CASH DISBURSEMENTS BY THE TRUSTEE; OPPORTUNITY TO REQUEST HEARING; AND DECLARATION OF TRUSTEE** 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 **January 13, 2015**, 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 **January 13, 2015**, 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 **January 13, 2015**, 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, California 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.

January 13, 2015  
Date

Janice G. Washington  
Printed Name

/s/ Janice G. Washington  
Signature

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

Wesley H Avery on behalf of Consumer Privacy Ombudsman Wesley H Avery  
wamiracle6@yahoo.com, wavery@rpmlaw.com

Candice Bryner on behalf of Interested Party Candice Bryner  
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Philip Burkhardt on behalf of Other Professional Karen Duddleston  
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Stephen L Burton on behalf of Attorney Stephen L. Burton  
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Frank Cadigan on behalf of U.S. Trustee United States Trustee (SA)  
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Linda F Cantor, ESQ on behalf of Trustee R. Todd Neilson (TR)  
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David L Gibbs on behalf of Creditor Kenneth W Stach  
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John H Kim on behalf of Creditor Ford Motor Credit Company LLC  
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Richard C Spencer on behalf of Interested Party Courtesy NEF  
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United States Trustee (SA)  
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**2. SERVED BY UNITED STATES MAIL**

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Charlotte, NC 28202

***Trustee***

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2049 Century Park East  
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Los Angeles, CA 90067

***U.S. Trustee***

**United States Trustee (SA)**  
411 W Fourth St., Suite 9041  
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***Counsel for U.S. Trustee***

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***Laurence P Nokes on behalf of Interested Party***

**John Frankel**  
Nokes & Quinn  
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***Accountants for Landlord***

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***Interested Party***

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