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7 Chapter 11 Trustee

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

**FIRST INTERIM APPLICATION OF R.  
TODD NEILSON FOR ALLOWANCE  
AND PAYMENT OF FEES AND  
EXPENSES INCURRED AS CHAPTER 11  
TRUSTEE FOR THE PERIOD MARCH  
18, 2014 THROUGH MAY 21, 2014**

Date: March 17, 2015

Time: 10:30 a.m.

Place: Courtroom 5A

411 West Fourth Street

Santa Ana, CA 92701

21  
22 **TO THE HONORABLE ERITHE SMITH, UNITED STATES BANKRUPTCY**  
23 **JUDGE; THE OFFICE OF THE UNITED STATES TRUSTEE; AND OTHER PARTIES**  
24 **IN INTEREST:**

25 R. Todd Neilson, the duly appointed Chapter 11 Trustee and now the Chapter 7 Trustee  
26 and responsible party for the above-captioned estate (the "Trustee" or "Applicant"), respectfully  
27 represents:  
28

I.

**INTRODUCTION**

Applicant respectfully applies under 11 U.S.C. §§ 326, 330, 331, 503(b), and 507(a)(2) and Local Bankruptcy Rule 2016-1(a) for interim allowance and payment of compensation for services rendered, and reimbursement of expenses incurred, from May 18, 2014 through January 31, 2015 (the "Application").

Applicant has not previously requested interim compensation and reimbursement of costs.

During the period covered by this Application, March 18, 2014 through May 21, 2014 (the "Reporting Period"), the Trustee and his staff incurred fees in the amount of \$16,756.00 representing 29.3 hours of services to the estate, for which it seeks interim allowance. Pursuant to 11 U.S.C. § 326, the Trustee's compensation is limited based upon all moneys disbursed in the case by the Trustee to parties in interest, excluding the Debtor. During the Chapter 11 bankruptcy, the Trustee disbursed funds totaling \$427,298, resulting in a statutory ceiling under 11 U.S.C. §326 of \$24, 614.92. To date, the Trustee has not been paid any Chapter 11 fees for its services, leaving \$24,614.92 available in the statutory ceiling. Therefore, the Trustee seeks interim allowance for the full amount of fees incurred during the Reporting Period totaling \$16,756.00. The Trustee also advanced expenses during the Reporting Period related to his services in the amount of \$1,732.50, for which he seeks interim allowance. Applicant is seeking approval of the Court for 100% of its requested fees and 100% of its requested expenses, but Applicant does not seek payment at this time without further order of the Court, following subsequent administration of the Debtor's Chapter 7 bankruptcy after which the Chapter 7 Trustee may seek further consideration of Chapter 11 administrative claims.

**A. Exhibits to this Application**

The nature and extent of the Trustee's services during the Reporting Period are described in subsequent paragraphs and in the following exhibits to this Application:

1 Exhibit "A" is a schedule calculating the Trustee's statutory compensation limitation  
2 pursuant to 11 U.S.C. § 326 as of May 21, 2014.

3 Exhibit "B" contains summary schedules relating to the Trustee's fees incurred during the  
4 Reporting Period, including 1) a summary of fees by timekeeper and 2) a summary of monthly  
5 fees by category of service.

6 Exhibit "C" contains the detailed time entries of the Trustee and his staff for services  
7 rendered during the Reporting Period.

8 Exhibit "D" contains a summary and detailed schedule of each cost incurred during the  
9 Reporting Period.

10 Exhibit "E" includes the resumes that describe the education and qualifications of the  
11 professionals and paraprofessionals for the Trustee whose time constitutes the basis for this  
12 Application.

13 Exhibit "F" includes the invoices received and paid by the Trustee related to the security  
14 of Tulving assets, coordination of removal of records and auction of assets.

## 15 II.

### 16 BACKGROUND FACTS AND STATUS OF CASES

#### 17 A. Procedural Background

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

1 On May 29, 2014, the Court entered an order authorizing the Chapter 11 Trustee's  
2 employment of Berkeley Research Group, LLC ("BRG") as his accountants and financial  
3 advisors *Nunc Pro Tunc* to March 21, 2014 [Docket No. 107].

4 On May 29, 2014, the Court entered an order authorizing the Chapter 11 Trustee's  
5 employment of Pachulski Stang Zeihl and Jones, LLP ("PSZJ") as his counsel *Nunc Pro Tunc* to  
6 March 21, 2014 [Docket No. 106].

7 On July 15, 2014, the Court entered an order authorizing the Chapter 7 Trustee's  
8 employment of Berkeley Research Group, LLC ("BRG") as his accountants and financial  
9 advisors *Nunc Pro Tunc* to May 22, 2014 [Docket No. 151].

10 On July 15, 2014, the Court entered an order authorizing the Chapter 7 Trustee's  
11 employment of Pachulski Stang Zeihl and Jones, LLP ("PSZJ") as his counsel *Nunc Pro Tunc* to  
12 May 22, 2014 [Docket No. 152].

13 **B. Debtor's History**

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

24 **C. Status of the Trustee's Investigation, Causes of Action and Settlements**

25 Since his appointment, the Trustee and his professionals have conducted an investigation  
26 of the affairs of the Debtor. The coins which were seized are still in the possession of the  
27 Department of Justice ("DOJ") and the Secret Service, and it is their stated intention to have  
28 those coins liquidated in the future to pay the creditor/victims. After seizure, the DOJ obtained

1 an independent valuation from a professional appraiser which listed the value of the coins at  
2 approximately \$3 million. In November 2014, subsequent to this DOJ valuation, a different  
3 expert engaged by Mr. Tulving's legal counsel offered a valuation of \$11,384,000, well in excess  
4 of the previously stated \$3 million valuation. The difference between the two valuations is due  
5 to the incorrect valuation of Presidential Error Coins which were included in the coins seized by  
6 the government.

7 The Trustee would caution against a wholesale reliance on the valuations as provided by  
8 various independent appraisers. The infusion of a significant amount of Presidential Error Coins  
9 into the coin market could severely mitigate the amount of return for the creditor/victims. In the  
10 opinion of the Trustee, the sales process, when undertaken, must be handled in a measured and  
11 gradual fashion to insure the highest possible return and it will take a considerable period of time  
12 to fully realize the value of the coins. The Trustee has spent a significant amount of time  
13 coordinating his recovery efforts with those of the DOJ. Those discussions are ongoing and the  
14 Trustee believes the DOJ and the Trustee share the same goal – to provide for a sale of the seized  
15 items in a manner which will provide the highest possible return to the creditor/victims.

16 The Trustee has also been informed by Mr. Tulving's legal counsel of a number of  
17 additional coins that were not seized by the government and may ultimately belong to this estate.  
18 Those coins are in the possession of a third party and the Trustee is currently investigating such  
19 claims. The value of those coins has been asserted by the Debtor to be approximately  
20 \$4,000,000. However, for the reasons enumerated above, the Trustee believes it premature to  
21 ascribe any such value to coins which may, or may not be, recoverable for the estate.

22 Through the investigation into the financial affairs of the Debtors, the Trustee and his  
23 professionals became aware of certain outstanding accounts receivable owed to the Debtor. The  
24 Trustee sent demand letters for outstanding accounts receivable to approximately 17 individuals  
25 and/or companies totaling approximately \$1,100,000. After receiving responses from the  
26 demand letters and additional investigations by the professionals of the underlying records of the  
27 Debtor, the actual amount was reduced to one creditor in the amount of \$594,000. In order to  
28 minimize legal costs, the Trustee and his professionals are in the process of formalizing a  
payment plan over a period of five years and the Trustee has already collected \$18,000 to date.

1 During the administration of the Chapter 11 bankruptcy, the Trustee conducted a court  
2 approved auction on or about May 13, 2014, of the remaining Tulving assets located at 750 West  
3 17<sup>th</sup> Street, Suite A, Costa Mesa, CA. In total, the auction generated gross sale proceeds of  
4 \$28,220.20, incurred expenses of \$4,715.05 for a net total to the Tulving estate of \$23,505.15.  
5 Of the remaining assets sold the majority of funds resulted from the sale of a 2008 Ford E-450  
6 van and a Clark forklift. The sale of an additional vehicle, a Ford E-350 van, was contemplated  
7 but following an investigation of the current value as compared to the debt on the van it was  
8 returned to Ford Motor Company.

9 The Trustee also was receiving numerous calls from companies regarding the possible  
10 sale of certain assets of the Debtor. Specifically, the sale of the Tulving websites domain name  
11 and electronic mail, 1-800 telephone number and customer contact and sale information.

12 On January 12, 2015, the Trustee closed the court approved sale of substantially all of  
13 Tulving's assets (domain name, 1-800 telephone number, customer contact information, etc.) for  
14 a total amount of \$150,000.

15 The Trustee and his professionals also became aware of certain individuals/companies  
16 that may hold unsecured claims in the estate. The Trustee requested his accountants to determine  
17 the total amount of possible unsecured claims in the estate and the total number of claimants.  
18 This information has been the used to verify the proofs of claim ("POC's") filed with in this  
19 estate and been provided to the Federal Government upon their request.

20 The Trustee and his professionals have also started investigating A-Mark Precious Metals  
21 ("A-Mark") a company with whom Tulving had an extensive financial relationship. . In order to  
22 more fully understand the A-Mark and Tulving relationship the debtor conducted a Rule 2004  
23 exam of A-Mark. Following consultations with the attorneys representing A-Mark the Trustee  
24 received a significant amount of accounting records on December 30, 2014. The investigation is  
25 continuing. .

26 Please see PSZJ's application for interim compensation filed concurrently with this  
27 Application for additional details on the Trustee's investigation, causes of action and settlements.  
28

**D. Estate Cash**

As of January 31, 2015, the estate was holding approximately \$593,403 in unrestricted funds.

**III.**

**SUMMARY DESCRIPTION OF SERVICES**

Without limiting the detail of the Trustee's services contained in Exhibit "C", following are summary descriptions of the services provided during the Reporting Period:

**A. 110 – Funds Administration**

**(Hours: 7.2; Fees: \$2,697.00)**

Time incurred for this category during the Reporting Period included the review of invoices, check and wire transfer processing, review and processing of deposits, maintenance of receipt and disbursement ledgers, bond maintenance, bank reconciliations, and maintenance of files.

**B. 200 – Claims Issues**

**(Hours: 1.8; Fees: \$609.00)**

Most of the time incurred in this category during the Reporting Period was with respect to the review of POC's filed against the estate. There were originally approximately 485 creditors listed in Tulving books and records. The total amount of possible claims according to the records of the Debtor is \$18,707,906.79. The total amount of claims filed within the estate total \$17,915,425, which includes duplicative, amended, overstated and non-customer amounts. This amount represents a large percentage of possible Tulving claims.

**C. 220 – Creditor Meetings and Communications**

**(Hours: 7.5; Fees: \$5,212.50)**

During the Reporting Period, Trustee time was spent responding to creditor inquires and writing Trustee Reports, that have been uploaded to the Tulving bankruptcy website. Applicant has diligently attempted to notify and update the estate creditors on a regular basis of events and the process of the Tulving bankruptcy. During the Reporting Period the Trustee wrote one (1) "Trustee Report" six (6) pages in length which was posted on the Tulving Bankruptcy website.

**D. 350 – General Asset Disposition Issues**

**(Hours: 5.0; Fees: \$3,310.00)**

During this Reporting Period, Trustee time was spent reviewing potential bank accounts with cash, coin inventory's and speaking with coin specialists regarding the potential value. Also, the Applicant reviewed asset values and determined the insurance availability of those possible assets.

**E. 600 – Government Inquires and Coordination**

**(Hours: 1.6; Fees: \$1,112.00)**

The time incurred in this category during the Reporting Period was communicating and coordinating with the DOJ and Secret Service. As stated previously, there is currently an on-going criminal investigation into the operations and transaction of Hannes Tulving Jr. the principal of the Debtor. The Trustee has communicated closely with the DOJ regarding the criminal investigation. The Trustee has also been working with the DOJ regarding the approximate losses incurred by Tulving creditors. Applicant is also communicating with the DOJ regarding the liquidation of the confiscated coins and bullion and the process of distributing those proceeds to the creditors of Tulving.

**F. 900 – General Case Administration**

**(Hours: 3.6; Fees: \$2,008.50)**

Time was spent by the Trustee and his staff on general case administration duties. Included in these services were the following: review of incoming correspondence and pleadings; general discussions regarding case issues; general case document filing; and other general office administrative functions.

**G. 920 – General Meeting Preparation and Attendance**

**(Hours: 1.8; Fees: \$1,251.00)**

Applicant prepared for and participated in various conference calls and meetings with the financial advisors, his attorneys, and others to discuss a variety of things, including the status of various case issues, work performed to date, determination of work to be performed, and negotiations of settlement with the outstanding accounts receivable individual.



**H. 925 – Meeting and Communication – H. Tulving / Counsel**

**(Hours: .8; Fees: \$556.00)**

Trustee time incurred in this category includes meetings and communications with Hannes Tulving Jr. and his counsel. Subject to the approval of Mr. Tulving's criminal counsel, the Trustee and a financial advisor met with Mr. Tulving to discuss certain transactions, possible causes of action, the potential value of confiscated coins, additional assets and other areas of the Tulving Company.

**IV.**

**SUMMARY DESCRIPTION OF EXPENSES**

The Trustee incurred out-of-pocket costs in connection with services rendered to the estate, summarized as follows:

**A. Adjuster Fees (\$1,500.00)**

Applicant hired an Adjuster to assist in the security of the records located at the Tulving business address, removal of such documents from the business address and to work with the auctioneer to sell and vacate the business premises. The invoices from the Adjuster are attached as Exhibit F.

**B. Express Messenger – Federal Express (\$33.50)**

This consists of actual costs of meals while meeting with Government officials in Washington, D.C.

**C. Storage Facility - Reimbursement (\$86.00)**

This consists of actual costs of storage for Tulving records at Costa Mesa storage.

**D. Travel – Mileage (\$113.00)**

Applicant tracks mileage traveled to/from meetings and hearings that Applicant is required to attend. Applicant charges \$.56 per mile.

**V.**

**CONCLUSION**

The Trustee believes compensation requested herein is warranted based on the quality of services rendered, the complexity of the issues at hand, the desirability of employment, the

1 results obtained and the contingency thereof, as well as the actual hours expended. The Trustee  
2 believes full payment of his fees is justified when weighed against the benefit of the work, as  
3 described above.

4 No agreement exists between the Trustee and any other person for the sharing of such  
5 compensation received in connection with this case.

6 Notice of this fee application has been given to creditors and parties in interest.

7 WHEREFORE, Applicant respectfully requests interim allowance for the following: (a)  
8 compensation of fees incurred during the Reporting Period in the amount of \$16,756.00; (b)  
9 reimbursement of expenses incurred during the Reporting Period in the amount of \$1,732.50;  
10 Applicant is seeking payment of 100% of its requested fees and 100% of its requested expenses,  
11 when the Bankruptcy Code allows for payment of Chapter 11 administrative claims.

12  
13 Dated: February 19, 2015

14 Respectfully submitted,

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17 R. Todd Neilson  
18 Chapter 7 Trustee  
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# **Exhibit A**

<p align="center"><b><u>The Tulving Company, Inc.</u></b>  <b>Computation of Statutory Ceiling of Trustee's Fees as of May 21, 2014</b>  <b>(11 U.S.C. 326)</b></p>		
<b><u>Disbursements</u></b>	<b><u>Statutory Percentage</u></b>	<b><u>Trustee Fee</u></b>
Funds Disbursed through 05/21/14 \$ 427,298		
First \$5,000 Disbursed: <u>(5,000)</u>	25%	\$1,250.00
Next \$5,001 to \$50,000 Disbursed: <u>422,298</u> <u>(45,000)</u>	10%	4,500.00
Next \$50,001 to \$1,000,000 Disbursed: <u>377,298</u> <u>(377,298)</u>	5%	18,864.92
Disbursements Over \$1,000,000: 0	3%	0.00
<b>Total Maximum Allowable Trustee Fee:</b>		<b>\$24,614.92</b>
<b>Sums Previously Paid to Trustee:</b>		<b>-</b>
<b>Remaining Balance of Trustee's Fee:</b>		<b>\$24,614.92</b>

# **Exhibit B**

THE TULVING COMPANY, INC.  
R. TODD NEILSON, CHAPTER 11 TRUSTEE  
PROFESSIONAL SERVICES - TIMEKEEPER SUMMARY

March 18, 2014 through May 21, 2014

	Rate	Hours	Amount
<hr/>			
<u>Director:</u>			
Todd Neilson	\$695.00	22.70	\$15,776.50
 <u>Paraprofessional:</u>			
Susan Greenan	\$160.00	1.50	\$240.00
Rowen Dizon	\$145.00	4.40	\$638.00
Evelyn Perry	\$145.00	0.70	\$101.50
 <b>Totals</b>		<hr/> <b>29.30</b> <hr/>	<hr/> <b>\$16,756.00</b> <hr/>

THE TULVING COMPANY, INC.  
R. TODD NEILSON, CHAPTER 11 TRUSTEE  
Summary of Fees

March 18, 2014 through May 21, 2014

Task Code	Task Description	Mar-14	Apr-14	May-14	Total Fees	Total Hours
110	Funds Administration	\$695.00	\$1,813.50	\$188.50	\$2,697.00	7.20
200	Claims Issues	\$208.50	\$320.50	\$80.00	\$609.00	1.80
220	Creditor Meetings and Communications	\$139.00	\$139.00	\$4,934.50	\$5,212.50	7.50
350	General Asset Disposition Issues	\$1,876.50	\$1,404.50	\$29.00	\$3,310.00	5.00
600	Government Inquires & Coordination	\$486.50	\$625.50	-	\$1,112.00	1.60
900	General Case Administration	\$278.00	\$1,614.50	\$116.00	\$2,008.50	3.60
920	General Meeting Preparation and Attendance	-	\$347.50	\$903.50	\$1,251.00	1.80
925	Meeting Preparation and Attendance - H. Tulving	-	\$556.00	-	\$556.00	0.80
TOTAL MONTHLY FEES		\$3,683.50	\$6,821.00	\$6,251.50	\$16,756.00	
TOTAL MONTHLY HOURS		5.30	12.80	11.20		29.30

# **Exhibit C**



THE TULVING COMPANY, INC.  
R. TODD NEILSON, CHAPTER 11 TRUSTEE  
DETAIL OF TASK CODES

March 18, 2014 through May 21, 2014

Date	Name	Description	Hours	Rate	Amount
<b>Task Code: 110</b>		<b>Funds Administration</b>			
03/26/14	Neilson, Todd	Determination of cash available from Banks and directions as to steps undertaken to cause return of the funds to the estate	0.40	695.00	278.00
03/31/14	Neilson, Todd	Discussions with bookkeepers, former managers and others to determine assets and claims in estate	0.60	695.00	417.00
04/01/14	Neilson, Todd	Contacting prior bookkeeper. Request of Data and discussions with Bank officers as to cash Directions as to available assets. Communications on leases and property at lease site.	2.00	695.00	1,390.00
04/03/14	Dizon, Rowen	Processed new bank accounts. Printed W-9 for Trustee signature and transmittal.	0.30	145.00	43.50
04/03/14	Greenan, Susan	Created a new case database in TCMS for The Tulving Company, Inc.	0.20	160.00	32.00
04/04/14	Dizon, Rowen	Processed new bank accounts with EastWest Bank.	0.20	145.00	29.00
04/10/14	Dizon, Rowen	Sent signed signature account cards to EastWest Bank.	0.10	145.00	14.50
04/10/14	Dizon, Rowen	Scanned cashier check and prepared overnight envelope to Scott Thoerner.	0.20	145.00	29.00
04/15/14	Dizon, Rowen	Processed incoming bank receipts. Created and provided wiring instructions to California Trust.	0.40	145.00	58.00
04/17/14	Dizon, Rowen	Reviewed and emailed Runa Kargupta regarding rejected bank receipts.	0.20	145.00	29.00
04/28/14	Dizon, Rowen	Reviewed and analyzed bank statements for 2013-14 period for Tulving Company accounts in order to complete document production to Richard Foelber.	1.30	145.00	188.50
05/01/14	Dizon, Rowen	Reviewed check request and processed payments.	0.20	145.00	29.00
05/07/14	Dizon, Rowen	Reviewed check requests and processed payments.	0.20	145.00	29.00
05/08/14	Dizon, Rowen	Reviewed check requests and processed payments.	0.10	145.00	14.50
05/14/14	Dizon, Rowen	Prepared Union Bank accounts banking files.	0.10	145.00	14.50
05/14/14	Dizon, Rowen	Processed incoming bank receipts.	0.20	145.00	29.00
05/19/14	Dizon, Rowen	Processed online bank statement request and provided bank reports to case accountant.	0.30	145.00	43.50
05/19/14	Dizon, Rowen	Reviewed check requests and processed payments.	0.20	145.00	29.00
<b>Total for Task Code 110</b>			<b>7.20</b>		<b>\$2,697.00</b>
<b>Task Code: 200</b>		<b>Claims Issues</b>			
03/26/14	Neilson, Todd	Review of claims filed to date	0.30	695.00	208.50
04/03/14	Greenan, Susan	Downloaded newly filed claims for Todd Neilson.	0.20	160.00	32.00
04/08/14	Greenan, Susan	Downloaded newly filed Tulving Company claims for Todd Neilson.	0.10	160.00	16.00
04/09/14	Neilson, Todd	Review of claims and analysis of amounts	0.30	695.00	208.50
04/09/14	Greenan, Susan	Downloaded newly filed Tulving Company claims for Todd Neilson.	0.20	160.00	32.00
04/21/14	Greenan, Susan	Downloaded newly filed claims, as well as the Notice of Sale of Estate Property through ECF.	0.20	160.00	32.00

THE TULVING COMPANY, INC.  
R. TODD NEILSON, CHAPTER 11 TRUSTEE  
DETAIL OF TASK CODES

March 18, 2014 through May 21, 2014

Date	Name	Description	Hours	Rate	Amount
<b>Task Code: 200</b>		<b>Claims Issues</b>			
05/20/14	Greenan, Susan	Spoke with Sylvia Linares at EPIQ Systems to resolve the claims importing issues in TCMS.	0.30	160.00	48.00
05/21/14	Greenan, Susan	Transferred sixty-four claims into the case data file from TCMS.	0.20	160.00	32.00
<b>Total for Task Code 200</b>			<b>1.80</b>		<b>\$609.00</b>
<b>Task Code: 220</b>		<b>Creditor Meetings and Communications</b>			
03/26/14	Neilson, Todd	Discussions with representative of creditor as to progress of case and possible date for 341a hearing	0.20	695.00	139.00
04/30/14	Neilson, Todd	Discussions with creditors, counsel and others in case operation	0.20	695.00	139.00
05/01/14	Neilson, Todd	Communications with creditors, discussions as to records and transfer of documents and directions as to payment of expenses	0.70	695.00	486.50
05/08/14	Neilson, Todd	Administration of bankruptcy. Communications with Creditors, directions as to matters requiring completion, authorization of bills and payments for assistance as well as discussions with counsel and advisors	1.10	695.00	764.50
05/16/14	Neilson, Todd	Review of all e-mails, communications on resolutions with Josh Gibbons communications. Preparations of e-mails and responses on Gibbons and Investor list	3.20	695.00	2,224.00
05/21/14	Neilson, Todd	Contacting of 15 creditors to discuss difficulty with Creditor Lists	2.10	695.00	1,459.50
<b>Total for Task Code 220</b>			<b>7.50</b>		<b>\$5,212.50</b>
<b>Task Code: 350</b>		<b>General Asset Disposition Issues</b>			
03/24/14	Neilson, Todd	Review of sch, speak with landlords/CPA's. Review of e-mails and possible asset sources. Response to banking officials Plan for adjusters to visit premises of Debtor to determine assets.	2.40	695.00	1,668.00
03/25/14	Neilson, Todd	Discussions with proposed counsel, Linda Cantor as to case administration and actions to be taken	0.30	695.00	208.50
04/02/14	Neilson, Todd	Attempts to obtain supporting documentation for assets	0.30	695.00	208.50
04/02/14	Neilson, Todd	Communications as to trucks and other assets and values	0.30	695.00	208.50
04/10/14	Neilson, Todd	Asset analysis and accounting review	1.20	695.00	834.00
04/14/14	Neilson, Todd	Auction proceeds	0.20	695.00	139.00
04/23/14	Dizon, Rowen	Processed mailing regarding signed auction agreement.	0.10	145.00	14.50
05/20/14	Dizon, Rowen	Scanned and transmittal of vehicle information to auctioneer.	0.20	145.00	29.00
<b>Total for Task Code 350</b>			<b>5.00</b>		<b>\$3,310.00</b>
<b>Task Code: 600</b>		<b>Government Inquires &amp; Coordination</b>			

THE TULVING COMPANY, INC.  
R. TODD NEILSON, CHAPTER 11 TRUSTEE  
DETAIL OF TASK CODES

March 18, 2014 through May 21, 2014

Date	Name	Description	Hours	Rate	Amount
<b>Task Code: 600</b>		<b>Government Inquires &amp; Coordination</b>			
03/26/14	Neilson, Todd	Review of progress to date with counsel and memo to AUSA legal counsel	0.30	695.00	208.50
03/26/14	Neilson, Todd	Discussions with Office of US Trustee as to meeting dates and preparation of recap of investigation to date	0.40	695.00	278.00
04/14/14	Neilson, Todd	Discussions with AUSA Zolot on administration of case	0.40	695.00	278.00
04/16/14	Neilson, Todd	Motions to reject leases and investigation of DOJ	0.50	695.00	347.50
<b>Total for Task Code 600</b>			<b>1.60</b>		<b>\$1,112.00</b>
<b>Task Code: 900</b>		<b>General Case Administration</b>			
03/25/14	Neilson, Todd	Discussions with Landlord's CPA as to premises and rejection as well as time to transfer furniture and trucks	0.40	695.00	278.00
04/09/14	Neilson, Todd	Discussion as to receipt of documents and directions as to review	0.30	695.00	208.50
04/09/14	Neilson, Todd	Analysis of banking statements received from Bank. Directions as to review by accounting personnel	0.40	695.00	278.00
04/14/14	Neilson, Todd	Review of accounting progress to date	0.80	695.00	556.00
04/15/14	Neilson, Todd	Arrangement for motion to reject leases and directions to counsel and financial advisors on case administration	0.80	695.00	556.00
04/15/14	Greenan, Susan	Obtained the motion and order appointing a Trustee for Todd Neilson.	0.10	160.00	16.00
05/09/14	Perry, Evelyn	Prepared and delivered request for updates to fee schedules.	0.70	145.00	101.50
05/21/14	Dizon, Rowen	Processed outgoing mail.	0.10	145.00	14.50
<b>Total for Task Code 900</b>			<b>3.60</b>		<b>\$2,008.50</b>
<b>Task Code: 920</b>		<b>General Meeting Preparation and Attendance</b>			
04/11/14	Neilson, Todd	Discussions with financial advisor and legal counsel to prepare for case administration	0.50	695.00	347.50
05/21/14	Neilson, Todd	Attendance and handling of 341a meetings	1.30	695.00	903.50
<b>Total for Task Code 920</b>			<b>1.80</b>		<b>\$1,251.00</b>
<b>Task Code: 925</b>		<b>Meeting Preparation and Attendance - H. Tulving</b>			
04/02/14	Neilson, Todd	Discussions with Debtors counsel and bookkeepers.	0.40	695.00	278.00
04/14/14	Neilson, Todd	Discussions with Hannes Tulving attorney	0.40	695.00	278.00
<b>Total for Task Code 925</b>			<b>0.80</b>		<b>\$556.00</b>
<b>Total Professional Services</b>			<b>29.30</b>		<b>\$16,756.00</b>

# **Exhibit D**

THE TULVING COMPANY, INC.  
R. TODD NEILSON, CHAPTER 11 TRUSTEE  
EXPENSES

March 18, 2014 through May 21, 2014

Date	Description	Amount
03/31/14	Regis Boyle Jr., Please see attached Invoices.	337.50
03/31/14	Voucher No. 48777 for Invoice No. 2-611-30549 issued by (6) FedEx	11.00
04/24/14	Voucher No. 49321 for Invoice No. 2-626-38454 issued by (6) FedEx	22.50
04/30/14	Regis Boyle Jr., Please see attached Invoices.	637.50
05/04/14	Regis Boyle Jr., Please see attached Invoices.	525.00
05/14/14	Rent - Storage Facility	86.00
05/21/14	Travel to and return from hearings in Santa Ana on.	56.50
05/21/14	Travel to Santa Ana for hearings and return 100 miles	56.50
<b>Total Expenses</b>		<b>\$1,732.50</b>

# **Exhibit E**



## **R. Todd Neilson, Director**

2049 Century Park East, Suite 2525

Los Angeles, California 90067

Direct: 310.499-4934

Fax: 310.557-8982

Email: tneilson@thinkbrg.com

## **Summary**

R. Todd Neilson is currently a Director at Berkeley Research Group LLC. Previously, Mr. Neilson was a Director with LECG, LLC and was a founding partner of Neilson Elggren LLP (formerly Neilson, Elggren, Durkin & Co.). He is one of the nation's foremost experts in bankruptcy and forensic accounting with over thirty five years combined experience in public accounting and as a Special Agent with the FBI.

In 1986, he was a founding partner of Neilson, Elggren, Durkin and Co., which was acquired by an international financial consulting firm in March 1998, where Mr. Neilson was a partner from March 1998 to September 2000. Prior to 1986, he was a manager in the Litigation/Consulting Services department of the international CPA firm of KMG/Main Hurdman for four years and also served as a special agent in the Federal Bureau of Investigation, specializing in accounting investigation of white-collar and organized crime. Due to his background, Mr. Neilson offers a unique set of skills in the areas of financial consulting and as an expert in the field of forensic accounting and fraud litigation.

Mr. Neilson is a seasoned professional having acted as a Trustee, financial consultant and expert witness in numerous high-profile accounting related litigation engagements involving complex bankruptcy reorganization matters including accounting and fraud issues, tracing of funds, financial data reconstruction, damages and lost profits, Ponzi and RICO matters, valuation, and business viability issues. Mr. Neilson has acted as bankruptcy Trustee for notable clients such as Suge Knight and Death Row Records. As Trustee, he has also operated, and negotiated the sale of an extremely large and diverse array of assets, including one of the largest Ford dealerships in the nation, an ownership interest in both the Los Angeles Kings' and Nashville Predators' hockey franchises, luxury hotels, sand and rock quarries, antique art collections, real estate, and trucking companies. Having evaluated and sold well over \$1 billion dollars of assets, Mr. Neilson brings substantial credibility to the court - credibility borne of practical, not just theoretical experience.



Mr. Neilson is a nationally recognized expert in bankruptcy and accounting having served on the national Board of Directors of the Association of Insolvency and Restructuring Advisors, Chairman of the Securities Advisory Board in the State of Utah, faculty for the Certified Fraud Examiners, and a member of the Society of the Former Special Agents of the Federal Bureau of Investigation. He has spoken on bankruptcy, litigation support, valuation and fraud related topics to numerous professional groups such as American Institute of Certified Public Accountants (AICPA), National Conference of Bankruptcy Judges, California and Utah Society of CPA's and numerous colleges and universities throughout the United States. Mr. Neilson formerly served as an Associate Professor in the Graduate School of Accounting at the University of Utah, where he taught courses on Forensic Accounting. He has also provided regular instruction on accounting and fraud related litigation issues at the FBI Academy to CPA/FBI Agents and to Postal Inspectors at the United States Postal Service national training center. He was a co-author of the *AICPA Bankruptcy Practice Guide*, issued as a practice aid to all CPA's in the United States and co-author of *The CPA's Handbook of Fraud and Commercial Crime Prevention*, also issued by the AICPA. He was also inducted as a fellow in the prestigious American College of Bankruptcy, one of only a handful of CPA's in the United States given that honor.

Mr. Neilson has been involved in some of the highest profile litigation and bankruptcy matters in the nation. Highlighted below are some of the cases, which demonstrate his unique background and experience.

### **Case Examples**

#### *American Suzuki Motor Corporation*

American Suzuki Motor Corporation ("ASMC"), a California corporation and a subsidiary of parent Suzuki Motor Corporation ("SMC"), filed a Chapter 11 Bankruptcy in November 2012, which effectively allowed for the transfer and sale of all business assets of ASMC, not affiliated with car sales, to SMC and facilitated the withdrawal of Suzuki from all new car sales in the United States. Prior to the filing, R. Todd Neilson, and another independent Board member, was added to the ASMC Board of Directors. Neilson, and the other independent Director, constituted a separate Committee ("Committee") and were tasked with the responsibility of reviewing the underlying assets of the Debtor, the intended Plan of Reorganization and implementation of the proposed Plan in order to make an independent decision as to the filing of a Chapter 11. The Committee ultimately authorized the filing of the ASMC Chapter 11, monitored the administration of the Bankruptcy, and following





confirmation of the Chapter 11 Plan, remained as an Advisory Board to review the implementation of the Plan and distribution of assets pursuant to the Plan.

#### *Tremont v. KPMG*

R. Todd Neilson was engaged as a damage expert in the litigation between Tremont Holdings Group Inc. ("Tremont") and KPMG in relation to investments made with Bernard L. Madoff Investment Securities ("BMIS"). Tremont was the second largest investor with BMIS with billions of dollars invested over fourteen years. Following the appointment of Irving Picard as Chapter 11 Trustee, Picard brought litigation against Tremont and related entities asserting a number of avoidance actions and equitable subordination claims. As a result of that litigation, Tremont settled with Picard for over a billion dollars. Subsequent to the settlement, a complaint was filed by Tremont against KPMG as independent auditors of the Tremont funds asserting billions of dollars in damages as a result of KPMG's audit insufficiencies. Neilson was asked to provide an expert opinion as to the damages suffered by the Tremont entities due to the alleged inadequacies in the KPMG audits. Neilson issued an expert report in April 2013 contesting the damages asserted against KPMG by Tremont. As a result of the expert report, the Tremont claimants withdrew their previously asserted damage analysis.

#### *Solyndra LLC*

In late 2011, following a national search by the Solyndra Board of Directors, Mr. Neilson was appointed as Chief Restructuring Officer of Solyndra, the US manufacturer of solar photovoltaic power systems specifically designed for large commercial and industrial rooftops. On August 31, 2011, subsequent to receiving a \$535 million loan guarantee from the Department of Energy, Solyndra had approximately 968 full time employees and 211 temporary employees. On September 6, 2011, Solyndra was unable to continue active business operations and filed a Chapter 11 Bankruptcy. Mr. Neilson supervised the efforts at selling the remaining assets of Solyndra and also provided a detailed report concerning Solyndra business operations to both the Court and other interested parties.

#### *Ezri Namvar*

Mr. Neilson is acting as Chapter 11 Trustee for the Ezri Namvar bankruptcy. Mr. Namvar, a well known member of the Iranian Jewish Community in Los Angeles, has received \$3 billion in investments and loans over the past 5 years and disbursed those funds through close to 400 separate LLC's involving ownership in a wide array of assets such as hotels, golf courses, low-income housing projects, pistachio farms, conference center sites, medical buildings and ground leases. Mr. Neilson is assisting in the task to untangle this multitude of



inter-related LLC's involving Mr. Namvar. Mr. Namvar was convicted of fraud following a trial and is presently incarcerated in a federal prison.

*Roman Catholic San Diego Diocese Chapter 11 Bankruptcy*

In April 2007, Mr. Neilson was the Court Appointed Expert in the Chapter 11 Bankruptcy of the Roman Catholic San Diego Diocese. The Court charged Mr. Neilson with providing an expansive report into the accounting and financial operations of the San Diego Diocese as well as related Catholic Parishes. It was the first time an independent Expert has been appointed for such a task in regards to a number of the Diocese bankruptcies throughout the United States.

*Le-Nature's, Inc. Chapter 11 Bankruptcy*

In 2007, Mr. Neilson was appointed Chapter 11 Bankruptcy Trustee for Le-Nature's, a water, iced tea, and juice drink distributor located in Latrobe, Pennsylvania and Phoenix, Arizona. Mr. Neilson supervised the liquidation of Le-Nature's bottling plants and other assets as well as directed the forensic accounting analysis of a purported \$750 million accounting fraud perpetrated upon the creditors of Le-Nature's and related companies.

*Ralph O. Esmerian and R. Esmerian, Inc. Chapter 11 Bankruptcies*

In 2010, Mr. Neilson was appointed as Examiner with expanded powers in the Chapter 11 bankruptcy matters of Ralph O. Esmerian and R. Esmerian, Inc. Mr. Neilson directed the investigation in the debtors' pre petition activities, pursued causes of action against various former associates of Mr. Esmerian and other third parties, and liquidated the debtors' assets, which included an extensive collection of rare and antique jewelry, a valuable artwork collection and a Manhattan apartment.

*Michael Tyson and Michael Tyson Enterprises*

Michael Tyson, former heavyweight champion of the world, and Michael Tyson Enterprises Inc. filed for bankruptcy protection in August 2003. Neilson Elggren was appointed as financial consultants and crisis managers for Mr. Tyson and Michael Tyson Enterprises Inc. Mr. Neilson was the responsible partner for that engagement.

*Adelphia Communications Corp*

In August 2002, Neilson Elggren was appointed as Accountants to the Official Committee of Unsecured Creditors in the Adelphia Communications Corp ("Adelphia") bankruptcy. The Adelphia bankruptcy was the 6<sup>th</sup> largest cable company in the nation. Their filing constituted one of the largest bankruptcies in history encompassing over 200 subsidiaries and



approximately \$21 billion in accumulated debt. Mr. Neilson acted as the primary partner in charge of the engagement. The prior owners of Adelphia, members of the Rigas family, were alleged to have engaged in the systematic looting of Adelphia. Neilson Elggren was engaged to the voluminous financial transactions of Adelphia and provide expert testimony as to their findings.

*DVI, Inc.*

DVI filed for Chapter 11 Bankruptcy protection on August 25, 2003. Mr. Neilson was appointed as Examiner and conducted an extensive investigation of financial transactions involving the assets, liabilities, operations and financial condition of DVI and its subsidiaries (including all transactions and relationships between debtor and non-debtor subsidiaries and affiliates). DVI, with assets of approximately \$3 billion, provided financing for diagnostic imaging and other sophisticated medical equipment. As part of its financing operations, DVI originated hundreds of millions of dollars in financing contracts and sold these contracts to institutional investors through over thirty (30)) investment-grade securitization vehicles. The accounting examination included the accounting practices of the debtor and any and all allegations of fraud, dishonesty, incompetence, misconduct, mismanagement, or financial and / or corporate irregularities. Mr. Neilson coordinated a cooperative effort involving numerous law enforcement and government agencies, including the Office of the U.S. Trustee, the United States Attorneys' Office in Delaware and Pennsylvania, the Securities and Exchange Commission, the Federal Bureau of Investigation, and the United States Postal Service, all of which were tasked with conducting further investigations based upon the findings in the Examiner's report.

*IT Group*

In April 2002, Mr. Neilson was appointed examiner in IT Group, a Chapter 11 bankruptcy in the District of Delaware. IT Group was a leading provider of services in the areas of consulting, engineering and construction, remediation, and facilities management. In 2000, IT Group had over 7,500 employees in 80 domestic offices and 10 international offices and its annual revenues on a consolidated basis were approximately \$1.4 billion. Neilson provided a detailed report detailing the assets, liabilities, valuation and financial condition of IT Group as well as its capabilities of confirming a stand-alone plan of reorganization versus a sale of existing assets to an interested purchaser.

*Allegheny Health, Education and Research Foundation ("AHERF")*

AHERF was a large conglomerate of medical hospitals and research centers located in the eastern part of the US. Neilson Elggren was engaged as financial advisors to Mellon Bank



Group Credit Facility to provide expert testimony concerning whether or not substantive consolidation was justified for AHERF, and whether the Plan of Reorganization as proposed by the AHERF Trustee unfairly prejudiced one or more creditors. Mr. Neilson led the preparation of a detailed report in response to the plan, which resulted in a settlement favorable to the Mellon Bank Group.

#### *Reed Slatkin*

Reed Slatkin, one of the co-founders of Earthlink, filed Chapter 11 bankruptcy in 2001 following pending legal actions by many of the individuals who had invested millions of dollars with Slatkin under the promise of substantial returns. Neilson Elggren investigated Slatkin's enterprises and business practices over a period of fifteen years and provided a report detailing one of the largest Ponzi schemes in California history involving over \$600 million of business transactions during that period. Mr. Neilson was appointed as Trustee in the Slatkin bankruptcy and was given the responsibility of liquidating substantial assets throughout the United States, including hotels, unimproved real estate, shopping malls, interests in movie production companies, and other substantial equity investments. Slatkin pled guilty and was incarcerated for a lengthy period in a federal prison.

#### *Charles Keating/Lincoln Savings*

Mr. Neilson was engaged as an expert witness in the litigation involving Charles Keating and American Continental Corporation, the parent company of Lincoln Savings, and the bondholders who invested approximately \$250 million in the debentures of American Continental. He directed the review of approximately \$727 million, which passed through American Continental from 1984 through 1989 and testified as to the findings in the federal District Court in Tucson, Arizona. The day after Mr. Neilson's testimony, two major defendants settled for over \$90 million. Total settlements in this matter exceeded \$300 million.

#### *Bruce McNall Chapter 11 Bankruptcy*

Mr. Neilson was appointed Chapter 11 Trustee in the personal bankruptcy of Bruce McNall in Los Angeles. Mr. McNall's holdings include ownership of the Los Angeles Kings hockey franchise, ownership interest in the Toronto Argonauts Canadian football franchise, as well as considerable holdings in thoroughbred horses, rare coins and antiques, and sports memorabilia. Mr. McNall was incarcerated for bank fraud. Mr. Neilson supervised the accounting investigation into Mr. McNall's past activities, which included tracing of over \$2.5 billion in cash and asset transfers



#### *Technical Equities Chapter 11*

Mr. Neilson directed the accounting analysis detailing the financial demise of Technical Equities, a San Francisco-based investment company and reportedly the largest investor fraud case in U.S. history at that time. Harry Stern, former chief executive officer of Technical Equities, was sentenced to Federal prison for his role in the investor fraud. Mr. Neilson and his professionals traced almost \$600 million in cash and prepared a damage analysis. As a result of his testimony, a settlement was achieved for the benefit of the creditors of Technical Equities.

#### *Adnan Khashoggi/Triad America*

Mr. Neilson was appointed as Trustee of Triad America Corporation. Triad America is the parent corporation of sixty separate companies with \$200 million in total claims. Mr. Neilson directed the accounting and litigation effort, which resulted in the freezing of all assets in the United States, owned by Adnan and Essam Khashoggi and the subsequent payment of \$32 million by Adnan Khashoggi to the bankruptcy estate.

#### *Property Mortgage Company*

Property Mortgage Company was a second mortgage company which had operated successfully in the Southern California area for over 40 years. The company filed for bankruptcy protection, asserting debts in excess of \$100 million dollars to approximately 1,000 investors. Mr. Neilson was appointed as Trustee. In that capacity, he supervised the analysis of hundreds of millions of dollars flowing through the company. Based upon that review, we concluded that for a number of years prior to its demise the company had been operating a Ponzi scheme, paying old investors with the funds secured from fresh investors. As a result of our accounting investigation the President and Chief Executive Officer as well as two other participants were convicted of fraud.

#### *Dovie Beams de Villagran*

Mr. Neilson was appointed by the Federal Bankruptcy Court in California as Examiner in the bankruptcy of Dovie Beams de Villagran, former mistress of Ferdinand Marcos. As a result of the report filed with the Court and Mr. Neilson's testimony, Mrs. de Villagran was convicted on thirty-nine counts of bank fraud and embezzlement for filing false and misleading financial statements with federally insured banks.



### **Previous Employment History**

- LECG, LLC – Mr. Neilson was a director at LECG, where he led a group that provided a combination of bankruptcy services, forensic and investigative accounting services, litigation consulting, corporate recovery and reorganization, valuation and tax services.
- Neilson Elggren LLP – Mr. Neilson was one of the founding partners of a practice that provided a combination of bankruptcy services, forensic and investigative accounting services, litigation consulting, corporate recovery and reorganization, valuation and tax services. Offices for Neilson Elggren LLP were located in Los Angeles, California, Salt Lake City, Utah and Wilmington, Delaware.
- Arthur Andersen – Arthur Andersen was formerly one of the “Big 5” international CPA and business-consulting firms with over 80,000 employees worldwide. Mr. Neilson served as a partner and national director of Trustee/Receiver practices throughout the United States for Arthur Andersen. He also served as a member of the Executive Committee for the Global Corporate Finance division of Arthur Andersen.
- Neilson, Elggren, Durkin & Co. - As one of the founding partners of this regional and consulting firm, Mr. Neilson was instrumental in the growth of this firm from a small office in Salt Lake City to a regional practice specializing in bankruptcy and litigation support services. The firm had grown to 85 employees and six offices prior to its merger with Arthur Andersen.
- KMG/Main Hurdman, Salt Lake City, Utah - Actively engaged as an expert witness in matters involving accounting and finance relating to contract claims, breach of contract, fraud, civil and criminal RICO, embezzlement, securities fraud, criminal matters, bankruptcy, and public hearings before regulatory bodies.
- Chief Deputy Auditor - Salt Lake County - Responsible for the accounting department, budget department, internal audit department and land assessment division for the Salt Lake County Auditor’s Office. Within this capacity directed the office staff of 45 individuals and reviewed audits of governmental departments prior to issuance.
- Federal Bureau of Investigation - Special Agent Accountant - Responsible for accounting investigations including racketeer influenced and corrupt organizations involved in bank fraud, fraud against the government, bankruptcy fraud, mail fraud, securities fraud and others.



## **Education**

- Bachelor of Science, University of Utah 1975
- Associate Professor – Graduate School of Accounting – University of Utah

## **Publications**

- Co-Author of *AICPA Bankruptcy Practice Guide*. Authoritative practice guide to be issued to all practicing Certified Public Accountants in the United States, 1994
- Co-Author *The CPA's Handbook of Fraud and Commercial Crime Prevention* issued by the AICPA, 2002
- “*Substantive Consolidation Accounting Issues*” article for *Bankruptcy Litigation Counselor*, 1994
- “*Methods for Uncovering & Conducting Investigative Audits*,” Utah State Auditors Operation Manual, 1982

## **Professional Memberships**

- Association Of Insolvency Accountants - National Board of Directors
- Former Chairman - Securities Advisory Board - State of Utah - Accounting Profession Representative
- Former Chairman - Utah Association of CPA's - Professional Conduct and Ethics Sub-Committee
- Member - National Association of Bankruptcy Trustees
- American Institute of Certified Public Accountants
- Utah Association of Certified Public Accountants
- Society of Former Special Agents of the Federal Bureau of Investigation - Past President of the Utah Chapter
- Former Board Member - Salt Lake City/County Board of Health Advisory Board





- Chairman of the Board – Private Bank of California

### **Instruction and Presentations**

- Instructor for the Certified Public Accountants Criminal Investigation Seminar at the FBI Academy in Quantico, Virginia.
- Association of Insolvency Accountants – Tax Implications of Selling Assets in Bankruptcy – San Diego, California 1999
- National Conference of Bankruptcy Judges – Valuations of Businesses in Bankruptcy – Dallas, Texas 1998
- American Bankruptcy Institute – Western Region – Procedures and Practices for Valuing Businesses in Bankruptcy – 1998
- Law and Justice Center – Utah Fellows of the American Academy of Matrimonial Lawyers - Methods of Valuing Businesses in Divorce – Salt Lake City, Utah – 1997
- Certified Fraud Examiners – Presentation on Fraud and Accounting Issues – Salt Lake City, Utah – 1997
- Associated Women – CPA's – Litigation Support and Accounting Issues – Salt Lake City, Utah 1997
- California Bankruptcy Institute – Accounting for Difficult Fraudulent Conveyances – Fresno, California 1997
- Association of Insolvency Accountants Valuation Conference, - Relief from Stay Valuation Issues, Salt Lake City, Utah, 1994
- Expert Witness Seminar - Preparing Accountants as Expert Witnesses, Salt Lake City, Utah, 1994
- Association of Insolvency Accountants National Conference, Washington, D.C. Plan of Reorganization Accounting Issues, 1993
- Association of Insolvency Accountants National Conference, Santa Monica, California - Role of Examiner in Bankruptcy, 1992





- Beta Alpha Psi - University of Utah, Brigham Young University, and Weber State University
- National Association of Accountants (Utah Chapter), Salt Lake City, Utah, 1982 and 1984
- Insolvency seminars at the University of Southern California (USC), University of Utah, Brigham Young University, and Weber State College
- Arizona CPA Litigation Services Conference, The Bankruptcy Arena, The Role of the Accountant, 1991



## **Susan A. Greenan, Sr. Case Analyst**

2049 Century Park East  
Suite 2525  
Los Angeles, California 90067  
Direct: 310 499-4759  
Fax: 310 557-8982  
Email: sgreenan@brg-expert.com

### **Summary**

Susan Greenan has over twenty years' experience providing administrative support to Chapter 7 Trustees. Her responsibilities include the administration of asset and no asset Chapter 7 cases, focusing on the over 1500 no asset cases the firm receives each year. Ms. Greenan reviews and analyzes the bankruptcy petitions and schedules filed in the Los Angeles Central District, and assists the Trustee during the 341(a) examinations. Ms. Greenan also prepares all follow up Trustee hearing reports in accordance with the requirements of the U.S. Bankruptcy Court and the Office of the U.S. Trustee. In addition, Ms. Greenan assists with the preparation of the Trustee's Annual Report.

Prior to joining the firm, Ms. Greenan was an Account Executive with the NBC Television Network for eight years. She supervised print advertising campaigns for movies, mini-series, and daytime programming. She also directed research focus groups aimed at improving the television network ratings.

### **Case Examples**

- Access Healthnet, Inc.
- Bassinger, Kim
- Gallop Couriers, Inc.
- Kevork A. Yaakoubian, Inc.
- The Harris Agency

### **Education**

- Music Education / Classical Piano Major – Gonzaga University, Spokane, Washington
- Advertising / Copywriting – UCLA, Los Angeles, California



## **Rowen Dizon, Accounting Technician**

2049 Century Park East  
Suite 2525  
Los Angeles, California 90067  
Phone: 310 499-4778  
Fax: 310 557-4750  
Email: [rdizon@thinkbrg.com](mailto:rdizon@thinkbrg.com)

### **Summary**

Rowen Dizon has over ten years experience providing administrative support to Chapter 7 Trustees. He is directly involved in the processing of all Chapter 7 & Chapter 11 banking, including deposits, transfers of funds, issuing checks, opening accounts and maintaining filing systems. Rowen is also involved with serving and filing Trustee's motions and notices, preparing and maintaining back-up for disbursements and deposits as well as various other tasks in bankruptcy matters.

Rowen is also involved in our scanning department. His responsibilities include sorting and scanning various incoming and outgoing documents using the LaserFische computer system.

### **Education**

Management – Holy Angel University, Angeles City, Philippines



## **Evelyn S. Perry, Paraprofessional**

201 South Main Street, Suite 450  
Salt Lake City, Utah 84111  
Direct: 801.321.0082  
Fax: 801.364.6230  
Email: [eperry@thinkbrg.com](mailto:eperry@thinkbrg.com)

### **Summary**

Evelyn Perry is a member of Berkeley Research Group, LLC ("BRG") with over twenty-three years' experience in the areas of Bankruptcy and Tax. Prior to joining BRG she was with LECG LLC, Neilson Elggren LLP, Arthur Andersen LLP in the Global Corporate Finance division and Neilson Elggren Durkin & Company.

Evelyn's responsibilities include the preparation and submission of fee application pleadings to the bankruptcy court as well assisting with assembly and submission of tax returns. Other responsibilities include reconciliation and assembly of billings to litigation, tax and other clients, reconciliation of client bank accounts and related support duties assisting professionals.

### **Case Examples**

- Kenetech Windpower - Engagement wherein the firm represents the creditors committee in the ongoing litigation of the largest windpower manufacturer in the United States.
- Death Row Records—Trustee and Accountants to the Trustee.
- LeNature — Accountants to the Trustee.
- Robert B. Solomon – Chapter 11 Debtor-in-possession.
- Estate Financial – Accountants to the Trustee.
- Reed E. Slatkin (One of California's largest ponzi schemes) -Accountants to the Trustee.
- Adelphia – Forensic Accountants to the Creditor Committee.

### **Education**

Ricks College, Associates Degree in Business Education

# **Exhibit F**

CHECK REQUEST

CASE NAME: Tulving Co.	AMOUNT: \$337.50
CASE NO.:	CHECK NO.:
DATE: March 31, 2014	ACCOUNT NO.:

TO:

Regis Boyle Jr.

EXPLANATION

373 Raindance St.

See attached memo

Thousand Oaks, Ca.

91360

1. \_\_\_\_\_ Per General Order 00-01. Total Expenses Less than \$750.00

2. \_\_\_\_\_ Cash Disb. No. \_\_\_\_\_

3. Per Court Order:

A. \_\_\_\_\_ Authorizing Trustee to Operate Business

entered \_\_\_\_\_

B. \_\_\_\_\_ Other: \_\_\_\_\_

RECEIVED

JUN 10 2014

BERKELEY RESEARCH GROUP

APPROVAL:	RETURN:
R. TODD NEILSON:	MAIL:
DAVID H. JUDD:	OVERNIGHT:
TOM JEREMIASSEN:	OTHER:
RAY STRONG:	
PAUL SHIELDS:	
VERNON CALDER:	
VICTORIA DORAN:	
DAN NOBLE:	

## Regis F. Boyle

373 Raindance Street  
Thousand Oaks, CA 91360  
(805) 208-6925

R. Todd Neilsen, CPA  
BRG LLC  
2049 Century Park East  
Suite 2525  
Los Angeles, Ca.  
90067

RE: Tulving Co.

Dear Todd,

Attached are my time summaries for the period : March 1 2014 through  
March 31 2014 Listed below is a schedule of the hours worked on the  
above-captioned matter.

4.5 Hours @ \$75.00 per hour \$ 337.50

Thanking you in advance, I remain, very truly yours,

Regis F. Boyle,



## Regis F. Boyle

373 Raindance Street  
Thousand Oaks, CA 91360  
(805) 208-6925

R. Todd Neilsen, CPA  
BRG LLC  
2049 Century Park East  
Suite 2525  
Los Angeles, Ca.  
90067

RE: Tulving Co.

Dear Todd,

Attached are my time summaries for the period : March 1 2014 through  
March 31 2014 Listed below is a schedule of the hours worked on the  
above-captioned matter.

4.5 Hours @ \$75.00 per hour \$ 337.50

Thanking you in advance, I remain, very truly yours,

Regis F. Boyle,



[illegible]

CHECK REQUEST

CASE NAME: Tulving Co.	AMOUNT: \$637.50
CASE NO.:	CHECK NO.:
DATE: April 30, 2014	ACCOUNT NO.:

TO:

Regis Boyle Jr.

373 Raindance St.

Thousand Oaks, Ca.

91360

EXPLANATION

See attached memo

1. \_\_\_\_\_ Per General Order 00-01. Total Expenses Less than \$750.00 ..

2. \_\_\_\_\_ Cash Disb. No. \_\_\_\_\_

3. Per Court Order:

A. \_\_\_\_\_ Authorizing Trustee to Operate Business

entered \_\_\_\_\_

B. \_\_\_\_\_ Other: \_\_\_\_\_

RECEIVED

JUN 10 2014

BERKELEY RESEARCH GROUP

APPROVAL:	RETURN:
R. TODD NEILSON:	MAIL:
DAVID H. JUDD:	OVERNIGHT:
TOM JEREMIASSEN:	OTHER:
RAY STRONG:	
PAUL SHIELDS:	
VERNON CALDER:	
VICTORIA DORAN:	
DAN NOBLE:	

**Regis F. Boyle**

373 Raindance Street  
Thousand Oaks, CA 91360  
(805) 208-6925

R. Todd Neilsen, CPA  
BRG LLC  
2049 Century Park East  
Suite 2525  
Los Angeles, Ca.  
90067

RE: Tulving Co.

Dear Todd,

Attached are my time summaries for the period : April 1 2014 through  
April 30 2014 Listed below is a schedule of the hours worked on the  
above-captioned matter.

8.5 Hours @ \$75.00 per hour \$ 637.50

Thanking you in advance, I remain, very truly yours,

Regis F. Boyle,

*RB*

**Regis F. Boyle**

373 Raindance Street  
Thousand Oaks, CA 91360  
(805) 208-6925

R. Todd Neilsen, CPA  
BRG LLC  
2049 Century Park East  
Suite 2525  
Los Angeles, Ca.  
90067

RE: Tulving Co.

Gear Todd,

Attached are my time summaries for the period : April 1 2014 through  
April 30 2014 Listed below is a schedule of the hours worked on the  
above-captioned matter.

8.5 Hours @ \$75.00 per hour \$ 637.50

Thanking you in advance, I remain, very truly yours,

Regis F. Boyle,

Case:

5.0

Date: April 29, 2014

Case: Tulving Co.

[illegible]

CHECK REQUEST

CASE NAME: <u>Tulving Co.</u>	AMOUNT: <u>\$525.00</u>
CASE NO.:	CHECK NO.:
DATE: <u>May 31, 2014</u>	ACCOUNT NO.:

TO:

Regis Boyle Jr.

373 Raindance St.

Thousand Oaks, Ca.

91360

EXPLANATION

See attached memo

1. Per General Order 00-01. Total Expenses Less than \$750.00 ..

**RECEIVED**

2. Cash Disb. No. \_\_\_\_\_

**JUN 10 2014**

3. Per Court Order:

A. Authorizing Trustee to Operate Business

entered \_\_\_\_\_

**BERKELEY RESEARCH GROUP**

B. Other \_\_\_\_\_

APPROVAL:	RETURN:
R. TODD NEILSON:	MAIL:
DAVID H. JUDD:	OVERNIGHT:
TOM JEREMIASSEN:	OTHER:
RAY STRONG:	
PAUL SHIELDS:	
VERNON CALDER:	
VICTORIA DORAN:	
DAN NOBLE:	

**Regis F. Boyle**

373 Raindance Street  
Thousand Oaks, CA 91360  
(805) 208-6925

R. Todd Neilsen, CPA  
BRG LLC  
2049 Century Park East  
Suite 2525  
Los Angeles, Ca.  
90067

RE: Tulving Co.

Dear Todd,

Attached are my time summaries for the period :- May 1 2014 through  
May 31 2014 Listed below is a schedule of the hours worked on the  
above-captioned matter.

7.0 Hours @ \$75.00 per hour \$ 525.00

Thanking you in advance, I remain, very truly yours,

Regis F. Boyle,

oe



**Regis F. Boyle**

373 Raindance Street  
Thousand Oaks, CA 91360  
(805) 208-6925

R. Todd Neilsen, CPA  
BRG LLC  
2049 Century Park East  
Suite 2525  
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RE: Tulving Co.

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May 31 2014 Listed below is a schedule of the hours worked on the  
above-captioned matter.

7.0 Hours @ \$75.00 per hour \$ 525.00

Thanking you in advance, I remain, very truly yours,

Regis F. Boyle,

Case: Tulving Co.

7.0

CHECK REQUEST

CASE NAME: <u>Tulving Co.</u>	AMOUNT: <u>\$86.00</u>
CASE NO.:	CHECK NO.:
DATE: <u>May 31, 2014</u>	ACCOUNT NO.:

TO

Regis Boyle Jr.  
373 Raundance St.  
Thousand Oaks, Ca.  
91360

EXPLANATION

First month rent for storage  
paid out of pocket funds.  
Receipt attached.

1. Per General Order 00-01. Total Expenses Less than \$750.00

2. Cash Disb. No.

**RECEIVED**

3. Per Court Order

A. Authorizing Trustee to Operate Business

entered

**JUN 10 2014**

**BERKELEY RESEARCH GROUP**

B. Other

APPROVAL:	RETURN:
R. TODD NEILSON	MAIL:
DAVID H. JUDD:	OVERNIGHT:
TOM JEREMIASSEN	OTHER:
RAY STRONG:	
PAUL SHIELDS	
VERNON CALDER:	
VICTORIA DORAN	
DAN NOBLE:	



## 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:  
2049 Century Park East, Suite 2525 Los Angeles CA 90067.

A true and correct copy of the foregoing document entitled (specify) FIRST INTERIM APPLICATION FOR R. TODD NEILSON FOR ALLOWANCE AND PAYMENT OF FEES AND EXPENSES INCURRED AS CHAPTER 11 TRUSTEE FOR THE PERIOD MARCH 18, 2015 THROUGH MAY 21, 2015 will be served or was served 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 February 19, 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:

See attached service list

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) February 19, 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 February 19, 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  
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.

February 19, 2015  
Date

Rowen Dizon  
Printed Name

/s/ Rowen Dizon  
Signature

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

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

The following is the list of **parties** who are currently on the list to receive email notice/service for this case.

- **Wesley H Avery** wamiracle6@yahoo.com, wavery@rpmlaw.com
- **Candice Bryner** candice@brynerlaw.com
- **Philip Burkhardt** phil@burkhardtandlarson.com, stacey@burkhardtandlarson.com
- **Stephen L Burton** steveburtonlaw@aol.com
- **Frank Cadigan** frank.cadigan@usdoj.gov
- **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; 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)** ustpregion16.sa.ecf@usdoj.gov

## **2. SERVED BY UNITED STATES MAIL:**

Counsel for Debtor  
Andrew S Bisom  
The Bisom Law Group  
8001 Irvine Center Drive, Suite 1170  
Irvine, CA 92618

William C Berry  
PO Box 686  
Carlsborg, WA 98324

Laurence P Nokes  
Nokes & Quinn  
410 Broadway St Ste 200  
Laguna Beach, CA 92651