

1 Linda F. Cantor (CA Bar No. 153762)  
2 Pachulski Stang Ziehl & Jones LLP  
3 10100 Santa Monica Blvd., 13<sup>th</sup> Floor  
4 Los Angeles, California 90067  
5 Telephone: 310-277-6910  
6 Facsimile: 310-201-0760  
7 E-mail:lcantor@pszjlaw.com

8 Counsel for R. Todd Neilson, Chapter 7 Trustee  
9 for The Tulving Company, Inc.

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**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SANTA ANA DIVISION**

11 In re:  
12 THE TULVING COMPANY, INC., a  
13 California corporation,  
14  
15 Debtor.

Case No.: 8:14-bk-11492-ES

Chapter 7

**STIPULATION RE: SUSPENSION OF  
DISTRIBUTION OF SEIZED ASSETS AND  
SALE PROCEEDS PENDING FINALIZATION  
OF LIST OF VICTIMS AND LOSSES**

17 **TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY JUDGE;**  
18 **THE OFFICE OF THE UNITED STATES TRUSTEE; THE DEBTOR; AND PARTIES**  
19 **WHO HAVE FILED A REQUEST FOR SPECIAL NOTICE PURSUANT TO**  
20 **BANKRUPTCY RULE 2002:**

21 This Stipulation is entered into by and between R. Todd Neilson, in his capacity as the duly  
22 appointed, authorized and acting chapter 7 trustee of the above captioned Debtor's estate (the  
23 "Trustee") and Jill W. Rose, United States Attorney for the Western District of North Carolina (the  
24 "Government") (collectively, the "Parties"), in reference to the following facts:

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**RECITALS**

26 **WHEREAS**, on July 22, 2015, this Court entered an *Order for Coordination Agreement for*  
27 *Distribution of Seized Items From United States to Bankruptcy Trustee And From Trustee to*  
28 *Victims* [Docket No. 264] (the "Coordination Order");

1           **WHEREAS**, the Coordination Order set forth a framework under which the Government  
2 would turn-over to the Trustee certain estate assets seized by the Government (the “Seized Assets”)  
3 for liquidation and distribution to those creditors who are also victims of the Debtor’s criminal  
4 actions (the “Victim/Creditors”) provided that the Trustee propose a plan for doing so (the  
5 “Proposal”) acceptable to the Government and file a final list of Victim/Creditors approved by the  
6 Government;

7           **WHEREAS**, pursuant to the Coordination Order, on December 1, 2015 the Trustee filed and  
8 sought Bankruptcy Court approval of his Proposal<sup>1</sup> and filed a proposed final list of  
9 Victim/Creditors;

10           **WHEREAS**, in furtherance of the Proposal, on December 28, 2016, the Trustee filed the  
11 *Motion For Order Authorizing The Trustee to (A) Employ Heritage Numismatic Auctions, Inc.,*  
12 *D/B/A Heritage Auctions as Auctioneer, and (B) Sell Certain Estate Property at Public Auction*  
13 *Outside the Ordinary Course of Business, Pursuant to 11 U.S.C. §§ 363(B), 327 and 328* [Dkt. No.  
14 391] (the “Retention/ Sale Motion”);

15           **WHEREAS**, on January 25, 2016, the Court entered its Order approving the Retention/ Sale  
16 Motion<sup>2</sup> (“Retention/Sale Order”);

17           **WHEREAS**, on January 28, 2016, the Court entered its *Order Authorizing Implementation*  
18 *of Trustee’s Proposed Plan for Liquidation of Seized Items and Disbursement of Assets to*  
19 *Victim/Creditors of Fraud in the Bankruptcy Case in Accordance with Coordination Agreement*  
20 *with United States Government, and (II) Granting Related Relief Pursuant to Sections 105 and 363*  
21 *of the Bankruptcy Code* [Dkt. No. 494] (the “Implementation Order”), pursuant to which the  
22 Trustee will file a final list of Victim/Creditors and their respective losses (the “Final  
23 Victim/Creditor List”) after all such claims have been resolved;

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26 <sup>1</sup> See *Motion For Order (I) Authorizing Implementation Of Trustee’s Proposed Plan For Liquidation Of Seized Items*  
27 *And Disbursement Of Assets To Victim/Creditors Of Fraud In The Bankruptcy Case In Accordance With Coordination*  
28 *Agreement With United States Government, And (II) Granting Related Relief Pursuant To Sections 105 And 363 Of The*  
*Bankruptcy Code* [Dkt. No.289].

<sup>2</sup> See *Order Authorizing The Trustee To (A) Employ Heritage Numismatic Auctions, Inc., D/B/A Heritage Auctions As*  
*Auctioneer, And (B) Sell Certain Estate Property At Public Auction Outside The Ordinary Course Of Business, Pursuant*  
*To 11 U.S.C. §§ 363(B), 327 And 328* [Dkt. No. 450]



1 4. The Court shall retain jurisdiction to hear all disputes arising from this Stipulation.

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3 Dated: February 12, 2016

PACHULSKI STANG ZIEHL & JONES LLP

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6 By: /s/ Linda F. Cantor

7  
8 Dated: February 12, 2016

JILL WESTMORELAND ROSE  
United States Attorney for the Western District of  
North Carolina

9  
10 By: 

11 Benjamin Bain-Creed  
Assistant United States Attorney  
12 Florida Bar #0021436  
Suite 1650, Carillon Building  
13 227 West Trade Street  
Charlotte, North Carolina 28202  
14 Telephone: (704) 344-6222  
15 Fax: (704) 344-6629  
E-mail: Benjamin.bain-creed@usdoj.gov

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

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# Exhibit A

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

**EXHIBIT A**

**SCHEDULE OF CREDITOR/VICTIM RESTITUTION CLAIMS FILED IN THE  
CRIMINAL CASE**

<b>Creditor Name</b>	<b>Claim Amount</b>
Kevin Dillon	\$24,889.00
John Eddy	\$10,265.00
St. Claire Ripley	\$20,163.70
Wiley Dan Hubard	\$49,189.10
Jeffrey Longenbach	\$44,685.00
James Schammerhorn	\$11,340.00
Brian Roquemore	\$12,230.00
<b>Total</b>	<b>\$ 172,761.80</b>

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