

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**KRONENBERGER ROSENFELD, LLP**  
Karl S. Kronenberger (CA Bar No. 226112)  
Jeffrey M. Rosenfeld (CA Bar No. 222187)  
150 Post Street, Suite 520  
San Francisco, CA 94108  
Telephone: (415) 955-1155  
Facsimile: (415) 955-1158  
karl@KRInternetLaw.com  
jeff@KRInternetLaw.com

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**VICTOR HANNAN**, individually and on  
behalf of a class of similarly situated  
persons,

Plaintiff,

v.

**THE TULVING COMPANY, INC.**, a  
California Corporation; and **HANNES  
TULVING, JR.** a California resident,

Defendants.

Case No. 3:14-cv-01054-JD

**STIPULATION TO STAY CASE AND  
[PROPOSED] ORDER**

Date: N/A  
Time: N/A  
Ctrm: In Chambers  
Judge: The Hon. James J. Donato  
Filed: September 9, 2014

1 Subject to the approval of the Court, Plaintiff Victor Hannan (“Plaintiff”) and  
2 Defendant Hannes Tulving, Jr. (“Defendant”) (collectively, the “Parties”), by and through  
3 their respective counsel of record, hereby stipulate to a stay of the instant action  
4 pending the resolution of the pending criminal investigation of Hannes Tulving, Jr., with  
5 respect to the following recitals:

6 WHEREAS, on March 6, 2014, Plaintiff filed the instant action, entitled *Victor*  
7 *Hannan v. The Tulving Company, Inc. and Hannes Tulving, Jr.*, United States District  
8 Court, Northern District of California, San Francisco Division, Case Number 3:14-cv-  
9 01054-JD;

10 WHEREAS, after the filing of this case, the Tulving Company, Inc. filed a petition  
11 for bankruptcy, and thereafter on March 18, 2014, the Court stayed this action as it  
12 relates to The Tulving Company, Inc. [D.E. No. 37];

13 WHEREAS, on or about March 8, 2014, federal law enforcement authorities  
14 seized certain precious metals from The Tulving Company, Inc., and thereafter, Hannes  
15 Tulving, Jr. has engaged in negotiations with the United States Attorney for the District  
16 of North Carolina relating to potential criminal charges against Hannes Tulving, Jr.  
17 personally;

18 WHEREAS, in a deposition of Hannes Tulving, Jr. on August 18, 2014 in *Stach*  
19 *v. The Tulving Company and Hannes Tulving, Jr.*, Orange County Superior Court,  
20 (OSCS 30-2014-00699829), involving allegations similar to the allegations in the instant  
21 case, Hannes Tulving, Jr. invoked the Fifth Amendment and did not answer any  
22 questions;

23 WHEREAS, the Parties agree that it would be more efficient to stay the instant  
24 case due to the pendency of the criminal investigation of Hannes Tulving, Jr.

25 Subject to the approval of the Court, the Parties, by and through their respective  
26 counsel of record, hereby stipulate to a stay of the instant action due to the pendency of  
27 the criminal investigation of Hannes Tulving, Jr. The Parties request that the Court stay  
28 the case for a period of one (1) year. Either party may move, by motion, to lift the stay

1 at any time. After ten (10) months, the Parties will file a joint letter with the Court  
2 updating the Court on the status of the criminal investigation of Hannes Tulving, Jr. and  
3 the Parties' positions regarding the expiration of the stay.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted,

DATED: September 9, 2014

**KRONENBERGER ROSENFELD, LLP**

By: s/ Karl S. Kronenberger  
Karl S. Kronenberger

Attorneys for Plaintiff

**GRUENBECK & VOGELER**

DATED: September 9, 2014

By: s/ William K. Voegeler  
William K. Voegeler

Attorneys for Defendant Hannes Tulving,  
Jr.

**ATTESTATION OF CONCURRENCE IN FILING**

Pursuant to Local Rule 5-1(i)(3), the filer hereby attests that concurrence in the  
filing of this document has been obtained from each of the other signatories, which shall  
serve in lieu of their signatures on the document.

Respectfully Submitted,

DATED: September 9, 2014

**KRONENBERGER ROSENFELD, LLP**

By: s/ Karl S. Kronenberger  
Karl S. Kronenberger

Attorneys for Plaintiff

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**[PROPOSED] ORDER**

Having reviewed the Parties' stipulation and good cause appearing,

PURSUANT TO STIPULATION, **IT IS SO ORDERED** that the instant action is **STAYED** for a period of one (1) year due to the pendency of the criminal investigation of Defendant Hannes Tulving, Jr.

**IT IS HEREBY FURTHER ORDERED** that either Party may move, by motion, to lift the stay at any time, and after ten (10) months, the Parties shall file a joint letter with the Court updating the Court on the status of the criminal investigation and the Parties' positions regarding the expiration of the stay.

Dated: \_\_\_\_\_

\_\_\_\_\_

The Honorable James Donato  
United States District Court Judge