

1 Mark S. Bostick (Bar No. 111241)
Elizabeth Berke-Dreyfuss (Bar No. 114651)
2 Tracy Green (Bar No. 114876)
WENDEL, ROSEN, BLACK & DEAN LLP
3 1111 Broadway, 24th Floor
Oakland, California 94607-4036
4 Telephone: (510) 834-6600
Fax: (510) 834-1928
5 Email: mbostick@wendel.com;
edreyfuss@wendel.com;
6 tgreen@wendel.com

7 Attorneys for Michael G. Kasolas, Trustee

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re
FOX ORTEGA ENTERPRISES, INC.,
dba PREMIER CRU,

Debtor.

Case No. 16-40050-WJL
Chapter 7
**REPLY TO LATE-FILED OBJECTION OF
MALIK M. HASAN, M.D. TO SETTLEMENT
AGREEMENT**

Date: July 27, 2016
Time: 10:30 a.m.
Place: 1300 Clay Street
Courtroom 220
Oakland, CA
Judge: The Hon. William J. Lafferty

The trustee, Michael G. Kasolas, requests that the objection to compromise filed by Malik M. Hasan, M.D. (“Hasan”) on July 20, 2016 be overruled on the following grounds:

1. The objection is late: it was filed on July 20, 2016 and the last day to file an objection was July 1, 2016. Hasan had notice of the case at least as early as June 3, 2016, and he does not adequately explain why his objection should be allowed as timely filed.
2. The objection is prejudicial because it will cause the estate to incur more fees and potential delay.

1 3. The objection is moot because the inventory records requested by Hasan were
2 provided to him on July 22, 2016.

3 4. The objection contains an inherent contradiction in that Hasan has opted out of the
4 class because the settlement favors the estate too much, yet he objects to the compromise as a
5 creditor.

6 5. The objection is brought for an improper purpose: i.e.. to obtain discovery under
7 threat of holding up the compromise and future sale, instead of by proper means.

8 6. Other than assert his legal basis for being an owner, Hasan fails to address the
9 merits of the compromise or to show how it is not fair and equitable.

10 WHEREFORE, for these reasons, Hasan’s objection should be overruled.

11
12 DATED: July 25, 2016

WENDEL, ROSEN, BLACK & DEAN LLP

13
14 By: /s/ Mark S. Bostick
15 Mark S. Bostick
16 Attorneys for Michael G. Kasolas, Trustee
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Jeanne Rose, declare:

I am a citizen of the United States and am employed in the County of Alameda. I am over the age of 18 years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California, 94607-4036.

On the date set forth below, I caused to be served the following document(s):

**REPLY TO LATE-FILED OBJECTION TO
COMPROMISE BY MALIK M. HASAN, M.D.**

**DECLARATION OF MARK S. BOSTICK IN SUPPORT OF THE TRUSTEE'S REPLY
TO OBJECTION OF MALIK M. HASAN, M.D. TO SETTLEMENT AGREEMENT**

by email and by CM/ECF NOTICE OF ELECTRONIC FILING to the parties listed below: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Jeanne Rose
JEANNE ROSE

jim@jsheplaw.com
James A. Shepherd, Esq.
Elkington Shepherd LLP
409 13th St., 10th Floor
Oakland, CA 94612
Counsel for Malik M. Hasan, M.D.