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7 Attorneys for Michael G. Kasolas, Trustee

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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

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

Date: July 27, 2016  
Time: 10:00 a.m.  
Place: 1300 Clay Street  
Courtroom 220  
Oakland, CA  
Judge: The Hon. William J. Lafferty

I, Mark S. Bostick, declare:

I am a partner in the law firm of Wendel, Rosen, Black & Dean, counsel for the trustee in the above-captioned case; I am duly admitted to practice before the above-entitled court and have personal knowledge of the matters set forth herein and if called as a witness, I would competently testify as follows:

1. On July 21, 2016, I received by way of ECF Notification the late-filed *Objection of Malik M. Hasan, M.D. to Class Settlement Agreement; Certificate of Service* [Docket No. 351]

1 filed on July 20, 2016 in response to Trustee's *Motion for Order Approving Compromise with*  
2 *Michael Podolsky, Class Representative of Parties Claiming Ownership Rights in Wine Held by*  
3 *the Trustee* filed herein on June 10, 2016 [Docket No. 315].

4 2. After obtaining an executed Non-Disclosure Agreement ("NDA") from Dr. Hasan,  
5 on July 22, 2016, I sent his counsel, Jim Sheppard, by electronic mail, at his request, two versions  
6 of the debtor's entire inventory of wine held at its warehouse: the first, according to the debtor's  
7 records as of the filing date; the second prepared by West Auctioneers as reconciled with the  
8 debtor's records.

9 3. The trustee treats the estate's records of the full inventory as confidential pending  
10 his filing of a motion to sell the wine.

11 4. On June 19, 2016, at my request, Brian Nishi sent Dr. Hasan's counsel a statement  
12 by email showing the status of all of Dr. Hasan's wines at the warehouse, identifying which were  
13 allocated, which were "Purchased" and which were "Oversubscribed."

14 I declare under penalty of perjury under the laws of the United States of America that the  
15 foregoing is true and correct and that this declaration is executed in Oakland, California, on July  
16 25, 2016.

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18 /s/ Mark S. Bostick  
Mark S. Bostick

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