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7	Attorneys for Michael G. Kasolas, Trustee	
8		
9	UNITED STATES BANKRUPTCY COURT	
10	NORTHERN DISTRICT OF CALIFORNIA	
11	OAKLAND DIVISION	
12		
13	In re	Case No. 16-40050-WJL
14	FOX ORTEGA ENTERPRISES, INC., dba PREMIER CRU,	Chapter 7
15	dou'l rebrief cree,	DECLARATION OF JASON BOLAND IN
16	Debtor.	SUPPORT OF MOTION FOR ORDERS (1) AUTHORIZING SALE OF WINE AND
17		OVERBIDDING PROCEDURES, AND (2) MOTION FOR ORDER AUTHORIZING
18		SALE FREE AND CLEAR OF LIENS OF COMMUNITY BANK OF THE BAY AND
19		ADVANCE RESTAURANT FINANCE LLC, AND (3) AUTHORIZING TRUSTEE TO
20		MAKÈ CERTAIN PAYMENTS RELATED TO REDEEMED BOTTLES
21		Date: August 30, 2016
22		Time: 10:00 a.m. Place: Courtroom 220
23		1300 Clay Street Oakland, CA
24		Judge: William J. Lafferty, III
25		I
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## I, Jason Boland, declare:

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- I am the President of Spectrum Wine Auctions, the bidder in the Sale Agreement and the Unfettered Sale Agreement. The following facts are within my personal knowledge, and if called upon to testify, I could and would testify as follows.
- 2. I negotiated all of the terms in the Sale Agreement and the Unfettered Sale Agreement with Michael Kasolas, the Trustee or his counsel in an arm's length transaction. Prior to this transaction I did not know any of them, or have any contact with any of them to the best of my knowledge and belief.
- 3. I have not had any contact with any other entity that is interested in bidding on the wine that I have offered to purchase, and have no intention of having any contact with any bidder. In fact I have no information as to who the other bidders are as of this writing.
- 4. I have reviewed the Debtor's schedules and to the best of my knowledge I have no relationship with any of the creditors, the Debtor, or its former employees, officers or directors set forth in the schedules. However, Premier Cru may have purchased wine from Spectrum Wine, and it is possible that some of the creditors of this estate are customers of Spectrum Wine Auctions. Although our facilities are located in Southern California, we do hold online auctions, and therefore, it is possible that some of the creditors could have purchased wine from our store in the past.
- 5. I have used GlassRatner Advisory and Capital Group, LLC ("GlassRatner") and CMA Adjustments ("CMA") to assist me in this matter, and I understand that the compensation agreement that I have reached with them does not involve the estate. They understand that they will not be compensated by the estate. To the best of my knowledge neither GlassRatner nor CMA have any connection to anyone involved in this case, and they have not communicated with any other bidders. I am informed and believe that GlassRatner and CMA have worked on other matters together unrelated to this transaction. I am informed and believe that CMA has retained Tracy Green from time to time on unrelated matters, but have been advised and believe that it is not involved in any matters with her at this time.
  - 6. I have no plan to retain any of the Premier Cru officers, directors, or employees.

- 7. I negotiated a breakup fee in the sum of \$50,000 on the Sale Agreement and \$5,000 on the Unfettered Sale Agreement. These sums are necessary to compensate me for the efforts and expenses that I have incurred or will incur prior to the hearing in investigating, negotiating, memorializing, and taking necessary steps to prepare to perform the agreements prior to the hearing that I would lose if I am not the bidder selected by the Court. These amounts are based on my estimations.
- 8. I am informed and believe that there could be overbidders who appear at the hearing, and I believe that the agreements that I negotiated and memorialized are a great benefit to the estate as a starting point for any other bidder.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 28, 2016, at Tustin, California.

> /s/ Jason Boland Jason Boland