

98

Pulmonary and Critical Care Consultants, P.A.

Amjad Munim, M.D., Ph.D.

F.A.C.P., F.C.C.P., F.A.C.C.

Diplomate, American Board of Internal Medicine

in the Subspecialties of Pulmonary Diseases

Critical Care Medicine and Sleep Medicine

Diplomate, American Board of Quality Assurance and Utilization Review

Certified Specialist in Clinical Hypertension (Exam 2001)

1820 East Commercial Boulevard
Fort Lauderdale, Florida 33308
Tel: (954) 771-7900 Fax: (954) 771-6863

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FILED

AUG 29 2016

BANKRUPTCY COURT
OAKLAND, CALIFORNIA

August 17, 2016

Hon. William J. Lafferty, III

Courtroom 220

United States Bankruptcy Court

1300 Clay Street

Oakland CA 94607

RE: Fox Ortega Enterprises, Inc., dba Premier Cru

Case No. 16-40050-WJL

Dear Judge Lafferty,

I have received the NOTICE OF HEARING ON MOTION FOR ORDERS: (1) AUTHORIZING SALE, (2) AUTHORIZING SALE FREE AND CLEAR OF LIENS OF COMMUNITY BANK OF THE BAY AND ARF FINANCIAL, LLC, (3) AUTHORIZING THE TRUSTEE TO MAKE CERTAIN PAYMENTS RELATED TO REDEEMED BOTTLES. The hearing has been set for August 30, 2016 at 10:00 a.m.

I am a creditor in this matter. Premier Cru owes me in excess of \$50,000.00 worth of wine that I paid for but never received.

I object to the proposal for sale of the wine in the debtor's warehouse because creditors, like me, who have lost their expected wine delivery would be happy to receive those wines for satisfaction of their claims. I and I am sure other creditors would be happy to take those wines against our claims.

It seems to me that the proposal of the Trustee has too many intermediaries involved, and involves a waste of resources/money.

Please let me know if any further information is needed.

Yours truly,



Amjad Munim, M.D., Ph. D.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re
Case No. 16-40050-W/L

FOX ORTEGA ENTERPRISES, INC.,
dba PREMIER CRU,

Debtor.

Chapter 7

NOTICE OF HEARING ON MOTION FOR
ORDERS: (1) AUTHORIZING SALE, (2)
AUTHORIZING SALE FREE AND CLEAR OF
LIENS OF COMMUNITY BANK OF THE BAY
AND ARF FINANCIAL, LLC, (3) AUTHORIZING
THE TRUSTEE TO MAKE CERTAIN PAYMENTS
RELATED TO REDEEMED BOTTLES

Date: August 30, 2016
Time: 10:00 a.m.
Place: Courtroom 220
1300 Clay Street
Oakland, CA
Judge: Hon. William J. Lafferty, III

TO: OFFICE OF THE U.S. TRUSTEE, THE DEBTOR, CREDITORS AND INTERESTED
PARTIES:

PLEASE TAKE NOTICE that Michael G. Kasolas, the duly appointed Chapter 7 trustee of
the above-captioned bankruptcy estate ("Trustee"), hereby gives notice of motion to sell all of the wine
in the above-captioned debtor's warehouse to Spectrum Wine Auction, LLC ("SWA") in two lots,
subject to overbid, pursuant to the terms set forth in the motion. The Trustee seeks approval of the sale
to SWA as a good faith purchaser, and asks the Court to waive Bankruptcy Rule 6004(b). The Trustee
also seeks approval of the sale free and clear of the liens of Community Bank of the Bay and ARF
Financial, LLC, whose liens will transfer to the estate's share of the proceeds to the same extent,
validity, and priority that they had at the commencement of the case. The terms of the sale are
summarized herein below, and a complete copy of the sale motion and supporting declarations can be
obtained by contacting the undersigned or going to the following website:
BMCGroup.com/premiercru.

SALE TERMS

The Primary Wine Bottles: 73,785 bottles	Unrettered Bottles: 5007 bottles
Price: \$3,200,000	Price: \$126,000
Breakup fee: \$50,000	Breakup fee: \$5,000
Deposit: \$150,000	Deposit: \$10,000
Initial Required Overbid: \$100,000	Initial Required Overbid Price: \$10,000
Overbid Required Deposit: \$250,000	Overbid Required Deposit: \$20,000
Subsequent Minimum Overbid Increments: \$25,000	Subsequent Minimum Overbid Increments: \$5,000

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Best Interest of Creditors

This sale is in the best interests of creditors because the sale price is the highest and best price
that the Trustee could obtain under the terms offered and for the reasons stated in the motion. The all-
cash offer does not involve a broker's commission. The Trustee will share the proceeds of the sale
with the Class Action pursuant to the terms of that Stipulation for Settlement dated May 23, 2016, that
was approved by the Court from the bench on July 27, 2016, written order pending as of this date.

Overbid Procedure

As set forth above the sales are subject to overbid. A complete copy of the overbid procedures
are set forth in the motion, listed on the website stated above, or can be obtained from the undersigned.

NOTICE IS FURTHER GIVEN that the hearing on this matter has been set for August 30,
10:00 am at 1300 Clay Street, Oakland, California, Courtroom 220.

Any objection must be filed and served upon the initiating party within 21 days of mailing this
notice; (1) any objection must be accompanied by any declarations or memoranda of law any
requesting party wishes to present in support of its position; and (ii) if there is no timely objection to
the requested relief the Court may enter an order granting the relief by default.

FURTHER NOTICE IS GIVEN that the Trustee will ask the Court to waive the fourteen (14)
day stay set forth in Bankruptcy Rule 6004(b) to allow the sale to close as soon as possible.

FURTHER NOTICE IS GIVEN that the Trustee will ask the Court to approve SWA as a
good faith buyer.

FURTHER NOTICE IS GIVEN that the Trustee will ask the Court to approve the sale free
and clear of the liens of Community Bank of the Bay and ARF Financial, LLC with their liens to
transfer to the estate's share of the sale proceeds to the same extent, validity, and priority that they had
at the commencement of this case.

Any party interested in obtaining copies of the motion, supporting pleadings or a copy of the
sale agreement may contact the undersigned or may obtain a copy from the website set forth above. A
complete list of the wines being sold are attached to the declaration of Michael Kasolas and can be
found on the website stated above.

WENDEL, ROSEN, BLACK & DEAN LLP

Dated: July 29, 2016

By: /s/ Tracy Green
Tracy Green
Attorneys for Michael G. Kasolas, Trustee
1111 Broadway, 24th Floor
Oakland, CA 94607
Telephone: (510) 834-6600
Fax: (510) 834-1928
Email: tgreen@wendel.com

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2