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9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12
13 In re
14 FOX ORTEGA ENTERPRISES, INC.,
dba PREMIER CRU,

15
16 Debtor.

Case No. 16-40050-WJL

Chapter 7

**DECLARATION OF DAVID A. PARKER IN
SUPPORT OF MOTION FOR ORDERS (1)
AUTHORIZING SALE OF WINE AND
OVERBIDDING PROCEDURES, AND (2)
MOTION FOR ORDER AUTHORIZING
SALE FREE AND CLEAR OF LIENS OF
COMMUNITY BANK OF THE BAY AND
ADVANCE RESTAURANT FINANCE LLC,
AND (3) AUTHORIZING 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: William J. Lafferty, III

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26 I, David A. Parker, declare under penalty of perjury that the following is true and correct:

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1 1. I am the owner of Brentwood Wine Company (the “Company”), a wholly owned
2 brand of Benchmark Wine Group, Inc. a California Corporation, of which I am CEO and owner
3 and an overbidder in connection with the above-captioned sale of wine in the Fox Ortega
4 Enterprises, Inc., doing business as Premier Cru (“Premier Cru”) chapter 7 bankruptcy. The
5 following facts are within my personal knowledge, and if called upon to testify, I could and would
6 testify as follows.

7 2. I have presented an overbid for the purchase of certain wine in accordance with the
8 Amended Sale Agreement dated July 21, 2016 and entered into by Spectrum Wine Auctions and
9 Michael G. Kasolas, Trustee (“Trustee”) of the chapter 7 bankruptcy estate.

10 3. On August 26, 2016, the Company paid a deposit of \$250,000 to the Trustee, care
11 of his attorneys at Wendel, Rosen, Black & Dean LLP.

12 4. I first learned that the Trustee intended to sell a portion of the Premier Cru wine
13 inventory in or around February 2016. Since February 2016, I have had numerous
14 communications with the Trustee and his representatives regarding the Premier Cru business, the
15 condition of the wine inventory, the terms of the sale and the sale process. Such communications
16 and negotiations between myself and the Trustee and his representatives were at all times (and will
17 continue to be) conducted at arm’s length and in good faith.

18 5. Prior to the learning that the remaining Premier Cru wine inventory was to be sold
19 by the Trustee, I did not know the Trustee or his counsel, or have any contact with any of them to
20 the best of my knowledge and belief.

21 6. I have not had any contact with Spectrum Wine Auctions in regard to their bid on
22 this wine. I have been contacted by Cory Lipoff, manager of Hilco Corp, regarding this sale. I do
23 not know if he or his company plan to make an offer on this wine and do not have any plans to
24 work with them on it. Beyond this, I do not know of any other entity that is interested in bidding
25 on the wine for which I have presented the overbid, and have no intention of having any contact
26 with any bidder. In fact I have no information as to who other overbidders are as of the date of
27 this writing.
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