1 2 3 4 5 6	Mark S. Bostick (Bar No. 111241) Elizabeth Berke-Dreyfuss (Bar No. 114651) Tracy Green (Bar No. 114876) WENDEL, ROSEN, BLACK & DEAN LL 1111 Broadway, 24 th Floor Oakland, California 94607-4036 Telephone: (510) 834-6600 Fax: (510) 834-1928 Email: mbostick@wendel.com; edreyfuss@wendel.com; tgreen@wendel.com	P
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 REMIER CRO,	DECLARATION OF DAVID A. PARKER 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		MAKE CERTAIN PAYMENTS RELATED TO REDEEMED BOTTLES
21		
22		Date: August 30, 2016 Time: 10:00 a.m.
23		Place: Courtroom 220 1300 Clay Street
24		Oakland, CA Judge: William J. Lafferty, III
25		
26	I, David A. Parker, declare under penalty of perjury that the following is true and correct:	
27	I, David A. Parker, declare under pena	my of perfury that the following is true and correct.
I	I, David A. Parker, declare under pena	inty of perjury that the following is true and coffeet.

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- 1. I am the owner of Brentwood Wine Company (the "Company"), a wholly owned brand of Benchmark Wine Group, Inc. a California Corporation, of which I am CEO and owner and an overbidder in connection with the above-captioned sale of wine in the Fox Ortega Enterprises, Inc., doing business as Premier Cru ("Premier Cru") chapter 7 bankruptcy. The following facts are within my personal knowledge, and if called upon to testify, I could and would testify as follows.
- 2. I have presented an overbid for the purchase of certain wine in accordance with the Amended Sale Agreement dated July 21, 2016 and entered into by Spectrum Wine Auctions and Michael G. Kasolas, Trustee ("Trustee") of the chapter 7 bankruptcy estate.
- 3. On August 26, 2016, the Company paid a deposit of \$250,000 to the Trustee, care of his attorneys at Wendel, Rosen, Black & Dean LLP.
- 4. I first learned that the Trustee intended to sell a portion of the Premier Cru wine inventory in or around February 2016. Since February 2016, I have had numerous communications with the Trustee and his representatives regarding the Premier Cru business, the condition of the wine inventory, the terms of the sale and the sale process. Such communications and negotiations between myself and the Trustee and his representatives were at all times (and will continue to be) conducted at arm's length and in good faith.
- 5. Prior to the learning that the remaining Premier Cru wine inventory was to be sold by the Trustee, I did not know the Trustee or his counsel, or have any contact with any of them to the best of my knowledge and belief.
- 6. I have not had any contact with Spectrum Wine Auctions in regard to their bid on this wine. I have been contacted by Cory Lipoff, manager of Hilco Corp, regarding this sale. I do not know if he or his company plan to make an offer on this wine and do not have any plans to work with them on it. Beyond this, I do not know of any other entity that is interested in bidding on the wine for which I have presented the overbid, and have no intention of having any contact with any bidder. In fact I have no information as to who other overbidders are as of the date of this writing.

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- 7. Neither I nor any company with which I am affiliated have a relationship with Premier Cru, its former employees, officers or directors. We plan to engage the services of a Mr. Brian Nishi, a former employee of Premier Cru during the liquidation process. Beyond that, I have no plans to retain any of the Premier Cru officers, directors, or employees.
- 8. I have reviewed a summary of proofs of claims and, to the best of my knowledge and ability, have determined that approximately twenty-three (23) creditors owed more than about \$40,000 by the chapter 7 bankruptcy estate are recent large customers of the Company, or other online wine companies in which that I have an interest or am affiliated with.
- 9. Based on my review, I have determined that one of the creditors of the chapter 7 bankruptcy estate holds a position on an informal advisory board for one of my affiliated companies. However, this individual has no ownership interest in that company, nor any authority to make binding decisions or commitments on its behalf.
 - 10. No broker has assisted me in making this overbid.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 29, 2016, at Vancouver , Washington.

David A. Parker