

1 Mark S. Bostick (Bar No. 111241)  
2 **WENDEL, ROSEN, BLACK & DEAN LLP**  
3 1111 Broadway, 24<sup>th</sup> Floor  
4 Oakland, California 94607-4036  
5 Telephone: (510) 834-6600  
6 Fax: (510) 834-1928  
7 Email: mbostick@wendel.com

8 Attorneys for Michael G. Kasolas, Trustee

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

12 In re

13 FOX ORTEGA ENTERPRISES, INC., dba  
14 PREMIER CRU

15 Debtor.

16 Case No. 16-40050-WJL

17 Chapter 7

18 **APPLICATION FOR ORDER  
19 AUTHORIZING PRODUCTION OF  
20 RECORDS OF CAPITAL ONE  
21 PURSUANT TO FEDERAL RULE OF  
22 BANKRUPTCY PROCEDURE 2004**

23 TO: THE HONORABLE WILLIAM J. LAFFERTY, III, THE DEBTOR, THE UNITED  
24 STATES TRUSTEE, AND CAPITAL BANK (USA) N.A./CAPITAL ONE, N.A.

25 **PLEASE TAKE NOTICE** that Michael G. Kasolas, trustee (“Trustee”) of the above-  
26 captioned estate of Fox Ortega Enterprises, Inc., dba Premier Cru (“Premier Cru”), hereby applies  
27 for an order directing the Custodian of Records or other current authorized designated individual  
28 on behalf of Capital One Bank (USA), N.A./Capital One, N.A. (“Capital One”) to produce the  
documents set forth below pursuant to Federal Rule of Bankruptcy Procedure 2004.

The examination of Capital One is necessary to enable the Trustee to complete his  
investigation regarding the potential avoidable transfers and assets of the estate.

The Trustee requests that the following documents be produced:

**REQUEST NO. 1:** All monthly account statements prepared by Capital One, including  
annual summary account statements, for the following credit card accounts, from January 8, 2009  
through January 8, 2016.

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ACCOUNT NO.	EXPIRATION DATE
5178 0523 5314 3890	02/15
5178 0521 7372 7138	05/13
5407 8902 8588 8667	
XXXX XXXX XX89 0745	

**REQUEST NO. 2:** The signature cards or signed account agreements for each of the accounts listed in Paragraph 1.

**REQUEST NO. 3:** The annual statements for 2009-2016 for each of the accounts listed in paragraph 1.

**REQUEST NO. 4:** All other monthly account statements prepared by Capital One, for any accounts not listed in paragraph 1, from January 8, 2009 through January 8, 2016, on which payments were made from Premier Cru to Capital One.

WHEREFORE, the Trustee requests that an order be entered:

1. Directing Capital One to produce the documents described herein at the offices of Wendel, Rosen, Black & Dean LLP, 1111 Broadway, 24<sup>th</sup> Floor, Oakland, California 94607 not less than 15 days from the date of service of the subpoena; and

2. For such other and further relief as the court deems proper.

DATED: April 20, 2017

WENDEL, ROSEN, BLACK & DEAN LLP

By:                   /s/ Mark S. Bostick                    
Mark S. Bostick  
Attorneys for Michael G. Kasolas, Trustee

**CERTIFICATE OF SERVICE**

I, Jeanne Rose, declare:

I am a citizen of the United States and am employed in the County of Alameda. I am over the age of 18 years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California, 94607-4036.

On the date set out below, I caused to be served the following document(s):

**APPLICATION FOR ORDER AUTHORIZING PRODUCTION OF  
RECORDS OF CAPITAL ONE PURSUANT TO  
FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

**[PROPOSED] ORDER AUTHORIZING PRODUCTION OF RECORDS OF CAPITAL  
ONE PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

by placing a true and correct copy thereof enclosed in a sealed envelope with first-class postage prepaid in a designated area for outgoing mail, addressed as set forth below. At Wendel, Rosen, Black & Dean, LLP, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the City of Oakland, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 20, 2017, at Oakland, California.

/s/ Jeanne Rose  
JEANNE ROSE

**By Certified Mail**

Capital One Bank (USA), N.A./Capital One, N.A.  
Attn: 12070-7000 (Subpoena Dept.)  
15000 Capital One Drive  
Richmond, VA 23238-1119

Office of the United States Trustee  
450 Golden Gate Ave., 5<sup>th</sup> Floor  
Suite 05-0153  
San Francisco, CA 94102

Stephen D. Finestone, Esq.  
Law Offices of Stephen D. Finestone  
456 Montgomery St., 20<sup>th</sup> Flr.  
San Francisco, CA 94104  
(Attorney for Debtor)