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7  
8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

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

14 Debtor.  
15

Case No. 16-40050-WJL

Chapter 7

**DECLARATION OF MARK S. BOSTICK  
IN SUPPORT OF REQUEST FOR ENTRY  
OF ORDER BY DEFAULT APPROVING  
COMPROMISE WITH EAST WEST  
BANK**

16  
17 I, Mark S. Bostick, declare:

18 I am duly admitted to practice before the above-entitled court, and I have personal  
19 knowledge of the matters set forth herein and if called as a witness, I would and could  
20 competently testify as follows:

21 1. I submit this declaration in support of the trustee's request for order approving his  
22 settlement agreement with East West Bank.

23 2. On April 24, 2017, I caused to be filed and served the *Notice and Opportunity for*  
24 *Hearing on Motion for Order Approving Compromise with East West Bank* ("Notice") [Docket  
25 No. 539].

26 3. The Notice was duly served on all parties entitled to notice under this Court's  
27 *Order Granting Motion to Reduce Notice Required for Future Notices Under Bankruptcy Rule*  
28 *2002(a)* [Doc. #437] as set forth in the Certificate of Service attached to the Notice and the

1 Certificate of Service prepared by BMC Group, Inc., the trustee's noticing agent, filed on April 25,  
2 2017 [Docket No. 542].

3 4. In accordance with Bankruptcy Rule 9019 and Bankruptcy Local Rule 9014-  
4 1(b)(3), the Notice provided that if no objection or request for hearing was served and filed within  
5 21-days of the date of the mailing of the Notice, i.e., on or before May 15, 2017, the proposed  
6 compromise may be approved by the Court without further notice or hearing.

7 5. I have reviewed the docket in this case and no timely objections were filed  
8 opposing this motion. Further, no timely objections were received by this office.

9 6. A true and correct copy of the parties' settlement agreement that is the subject of  
10 the Motion is attached as Exhibit A to the accompanying Declaration of Mark S. Bostick filed on  
11 April 24, 2017 in support of the Motion.

12 7. For the reasons stated in the Notice, the trustee and I believe that the proposed  
13 compromise is fair and reasonable and in the best interests of creditors and the estate.

14 I declare under penalty of perjury under the laws of the United States of America that the  
15 foregoing is true and correct and that this declaration is executed in Oakland, California, on  
16 May 16, 2017.

17  
18 /s/ Mark S. Bostick  
Mark S. Bostick