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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.

Case No. 16-40050-WJL

Chapter 7

**APPLICATION FOR ORDER
AUTHORIZING PRODUCTION OF
RECORDS OF KAISER PERMANENTE
PURSUANT TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

16
17 TO: THE HONORABLE WILLIAM J. LAFFERTY, III, THE DEBTOR, THE UNITED
18 STATES TRUSTEE, AND KAISER PERMANENTE:

19 Michael G. Kasolas, trustee (“Trustee”) of the above-captioned estate of Fox Ortega
20 Enterprises, Inc., dba Premier Cru (“Premier Cru”), hereby applies for an order directing the
21 Custodian of Records or other current authorized designated individual on behalf of Kaiser
22 Permanente (“Kaiser”) to produce the documents set forth below pursuant to Federal Rule of
23 Bankruptcy Procedure 2004.

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

26 The Trustee requests that the following documents be produced:

27 **REQUEST NO. 1:** All records showing the accounts against which the payments by
28 Premier Cru, as summarized in the attached **Exhibit A**, were applied.

1 **REQUEST NO. 2:** All records of payments to Kaiser by Premier Cru for the period of
2 January 8, 2009 to January 8, 2016.

3 WHEREFORE, the Trustee requests that an order be entered:

4 1. Directing Kaiser Permanente to produce the documents described herein at
5 the offices of Wendel, Rosen, Black & Dean LLP, 1111 Broadway, 24th Floor, Oakland,
6 California 94607 not less than 15 days from the date of service of the subpoena; and

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

8 DATED: September 15, 2017

WENDEL, ROSEN, BLACK & DEAN LLP

9
10 By: /s/ Mark S. Bostick

Mark S. Bostick

Attorneys for Michael G. Kasolas, Trustee

SEQ#	BANK	ACCT#	Transaction Date	Transaction # Check #/Wire #	Payee Last Name/Business Name	Payee First Name	Disbursement 558,233.37	#N/A Year	Rows: Month	Company	Other
27	HBC	1035	1/6/2009	6761	Kaiser Foundation Health Plan		436.45	2009	1		436.45
83	HBC	1035	1/16/2009	6815	Kaiser Foundation Health Plan		7,215.00	2009	1	7,215.00	
124	HBC	1035	1/23/2009	6829	Kaiser Foundation Health Plan		518.45	2009	1		518.45
200	HBC	1035	2/11/2009	6893	Kaiser Foundation Health Plan		3,502.00	2009	2	3,502.00	
300	HBC	1035	2/27/2009	6926	Kaiser Foundation Health Plan		477.45	2009	2		477.45
443	HBC	1035	3/27/2009	7015	Kaiser Foundation Health Plan		477.45	2009	3		477.45
654	HBC	1035	5/6/2009	7131	Kaiser Foundation Health Plan		477.45	2009	5		477.45
740	HBC	1035	5/20/2009	7199	Kaiser Foundation Health Plan		477.45	2009	5		477.45
780	HBC	1035	5/29/2009	7223	Kaiser Foundation Health Plan		9,363.00	2009	5	9,363.00	
929	HBC	1035	7/3/2009	7333	Kaiser Foundation Health Plan		3,955.00	2009	7	3,955.00	
943	HBC	1035	7/7/2009	7334	Kaiser Foundation Health Plan		477.45	2009	7		477.45
995	HBC	1035	7/20/2009	7375	Kaiser Foundation Health Plan		3,399.00	2009	7	3,399.00	
1014	HBC	1035	7/22/2009	7370	Kaiser Foundation Health Plan		477.45	2009	7		477.45
1161	HBC	1035	8/24/2009	7478	Kaiser Foundation Health Plan		539.45	2009	8		539.45
1293	HBC	1035	9/28/2009	7562	Kaiser Foundation Health Plan		539.45	2009	9		539.45
1402	HBC	1035	10/21/2009	7655	Kaiser Foundation Health Plan		5,864.00	2009	10	5,864.00	
1426	HBC	1035	10/26/2009	7648	Kaiser Foundation Health Plan		539.45	2009	10		539.45
1458	HBC	1035	10/29/2009	7692	Kaiser Foundation Health Plan		4,149.00	2009	10	4,149.00	
1687	HBC	1035	12/14/2009	7819	Kaiser Foundation Health Plan		539.45	2009	12		539.45
1767	HBC	1035	12/29/2009	7886	Kaiser Foundation Health Plan		583.45	2009	12		583.45
1792	HBC	1035	12/31/2009	7904	Kaiser Foundation Health Plan		8,558.00	2009	12	8,558.00	
1956	HBC	1035	2/5/2010	8001	Kaiser Foundation Health Plan		583.45	2010	2		583.45
2051	HBC	1035	2/26/2010	8072	Kaiser Foundation Health Plan		8,558.00	2010	2	8,558.00	
2073	HBC	1035	3/2/2010	8071	Kaiser Foundation Health Plan		583.45	2010	3		583.45
2173	HBC	1035	3/22/2010	8147	Kaiser Foundation Health Plan		583.45	2010	3		583.45
2401	HBC	1035	4/29/2010	8298	Kaiser Foundation Health Plan		583.45	2010	4		583.45
2436	HBC	1035	5/4/2010	8322	Kaiser Foundation Health Plan		15,889.00	2010	5	15,889.00	
2654	CBB	1248	6/16/2010	1055	Kaiser Foundation Health Plan		583.45	2010	6		583.45
2778	CBB	1248	7/6/2010	1113	Kaiser Foundation Health Plan		583.45	2010	7		583.45
2938	CBB	1248	8/2/2010	1229	Kaiser Foundation Health Plan		10,830.00	2010	8	10,830.00	
3051	CBB	1248	8/23/2010	1279	Kaiser Foundation Health Plan		1,166.90	2010	8		1,166.90
3216	CBB	1248	9/23/2010	1395	Kaiser Foundation Health Plan		583.45	2010	9		583.45
3382	CBB	1248	10/26/2010	1505	Kaiser Foundation Health Plan		583.45	2010	10		583.45
3690	CBB	1248	12/15/2010	1683	Kaiser Foundation Health Plan		583.45	2010	12		583.45
3975	CBB	1248	1/31/2011	1922	Kaiser Foundation Health Plan		601.94	2011	1		601.94
4165	CBB	1248	3/4/2011	2078	Kaiser Foundation Health Plan		6,024.00	2011	3	6,024.00	
4194	CBB	1248	3/9/2011	2079	Kaiser Foundation Health Plan		1,203.88	2011	3		1,203.88
4363	CBB	1248	4/8/2011	2196	Kaiser Foundation Health Plan		14,334.00	2011	4	14,334.00	
4371	CBB	1248	4/11/2011	2197	Kaiser Foundation Health Plan		601.94	2011	4		601.94
4697	CBB	1248	6/6/2011	2392	Kaiser Foundation Health Plan		1,203.88	2011	6		1,203.88
4864	CBB	2956	7/1/2011	8007314661	Kaiser Dues		15,812.00	2011	7	15,812.00	
5027	CBB	2956	7/18/2011	2722	Kaiser Foundation Health Plan		15,812.00	2011	7	15,812.00	
5047	CBB	2956	7/20/2011	2712	Kaiser Foundation Health Plan		601.94	2011	7		601.94
5169	CBB	2956	8/8/2011	2767	Kaiser Foundation Health Plan		601.94	2011	8		601.94

EXHIBIT "A"

5320	CBB	2956	8/29/2011	2861	Kaiser Foundation Health Plan	6,490.00	2011	8	6,490.00	
5452	CBB	2956	9/15/2011	52915	Kaiser Foundation Health Plan	601.94	2011	9		601.94
5547	CBB	2956	9/30/2011	52972	Kaiser Foundation Health Plan	601.94	2011	9		601.94
5873	CBB	2956	11/14/2011	53117	Kaiser Foundation Health Plan	601.94	2011	11		601.94
6006	CBB	2956	11/30/2011	53194	Kaiser Foundation Health Plan	14,396.00	2011	11	14,396.00	
6431	CBB	2956	1/19/2012		Kaiser Dues	1,940.82	2012	1		1,940.82
6554	CBB	2956	2/1/2012		Kaiser Dues	14,396.00	2012	2	14,396.00	
7122	CBB	2956	3/30/2012		Kaiser Dues	15,158.00	2012	3	15,158.00	
7137	CBB	2956	4/2/2012	53727	Kaiser Foundation Health Plan	1,338.88	2012	4		1,338.88
7611	CBB	2956	6/1/2012		Kaiser Dues	15,207.20	2012	6	15,207.20	
7666	CBB	2956	6/8/2012		Kaiser Dues	1,338.88	2012	6		1,338.88
7917	CBB	2956	7/17/2012		Kaiser Dues	1,338.88	2012	7		1,338.88
8050	CBB	2956	8/2/2012		Kaiser Dues	15,292.40	2012	8	15,292.40	
8273	CBB	2956	9/5/2012		Kaiser Dues	669.44	2012	9		669.44
8489	CBB	2956	10/5/2012		Kaiser Dues	669.44	2012	10		669.44
8497	CBB	2956	10/5/2012		Kaiser Dues	21,382.50	2012	10	21,382.50	
8684	CBB	2956	11/5/2012		Kaiser Dues	669.44	2012	11		669.44
8925	CBB	2956	12/5/2012		Kaiser Dues	669.44	2012	12		669.44
9178	CBB	2956	1/7/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	1		740.95
9413	CBB	2956	2/5/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	2		740.95
9427	CBB	2956	2/5/2013	000369214144/8007314	Kaiser Dues	21,931.90	2013	2	21,931.90	
9632	CBB	2956	3/5/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	3		740.95
9864	CBB	2956	4/2/2013	000384410644/8007314	Kaiser Dues	15,353.80	2013	4	15,353.80	
9893	CBB	2956	4/5/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	4		740.95
10095	CBB	2956	5/6/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	5		740.95
10273	CBB	2956	6/3/2013	55461	Kaiser Foundation Health Plan	10.00	2013	6		10.00
10310	CBB	2956	6/5/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	6		740.95
10535	CBB	2956	7/5/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	7		740.95
10777	CBB	2956	8/2/2013	000417940854/8007314	Kaiser Dues	32,093.15	2013	8	32,093.15	
10780	CBB	2956	8/5/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	8		740.95
11004	CBB	2956	9/5/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	9		740.95
11209	CBB	2956	10/7/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	10		740.95
11216	CBB	2956	10/7/2013	000435817598/8007314	Kaiser Dues	16,277.50	2013	10	16,277.50	
11431	CBB	2956	11/5/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	11		740.95
11665	CBB	2956	12/5/2013	543361204120718	Kaiser Permanent Direct Pay	740.95	2013	12		740.95
11908	CBB	2956	1/6/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	1		790.47
12156	CBB	2956	2/4/2014	470152903/8007314661	Kaiser Dues	34,830.76	2014	2	34,830.76	
12159	CBB	2956	2/5/2014	000000470152903	Kaiser Permanent Direct Pay	790.47	2014	2		790.47
12397	CBB	2956	3/5/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	3		790.47
12658	CBB	2956	4/2/2014	000488376122/8007314	Kaiser Dues	24,361.64	2014	4	24,361.64	
12684	CBB	2956	4/7/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	4		790.47
12899	CBB	2956	5/5/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	5		790.47
13155	CBB	2956	6/5/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	6		790.47
13388	CBB	2956	7/7/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	7		790.47
13617	CBB	2956	8/4/2014	522912633/8007314661	Kaiser Dues	33,284.25	2014	8	33,284.25	
13622	CBB	2956	8/5/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	8		790.47
13859	CBB	2956	9/5/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	9		790.47
14101	CBB	2956	10/6/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	10		790.47

14330	CBB	4184	11/4/2014		Kaiser Dues	15,983.87	2014	11	15,983.87	
14338	CBB	2956	11/5/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	11		790.47
14536	CBB	4184	12/4/2014		Kaiser Dues	14,337.00	2014	12	14,337.00	
14541	CBB	2956	12/5/2014	543361204120718	Kaiser Permanent Direct Pay	790.47	2014	12		790.47
14768	CBB	2956	1/5/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	1		827.00
15032	CBB	2956	2/5/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	2		827.00
15257	CBB	2956	3/3/2015	000582254399/8007314	Kaiser Dues	6,545.00	2015	3	6,545.00	
15265	CBB	2956	3/5/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	3		827.00
15407	CBB	2956	3/23/2015	57178	Kaiser Foundation Health Plan	7,035.50	2015	3	7,035.50	
15485	CBB	4184	4/2/2015		Kaiser Dues	7,200.50	2015	4	7,200.50	
15502	CBB	2956	4/6/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	4		827.00
15748	CBB	2956	5/5/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	5		827.00
15792	CBB	2956	5/8/2015	000601934905/8007314	Kaiser Dues	14,439.00	2015	5	14,439.00	
16041	CBB	2956	6/5/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	6		827.00
16301	CBB	2956	7/2/2015	000616497334/8007314	Kaiser Dues	5,917.50	2015	7	5,917.50	
16316	CBB	2956	7/6/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	7		827.00
16808	CBB	2956	9/2/2015	000633312059/8007314	Kaiser Dues	16,484.50	2015	9	16,484.50	
16825	CBB	2956	9/8/2015	543361204120718	Kaiser Permanent Direct Pay	1,679.00	2015	9		1,679.00
17079	CBB	2956	10/5/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	10		827.00
17385	CBB	2956	11/5/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	11		827.00
17690	CBB	2956	12/7/2015	543361204120718	Kaiser Permanent Direct Pay	827.00	2015	12		827.00
						<u>558,233.37</u>			<u>501,661.97</u>	<u>56,571.40</u>

1 CERTIFICATE OF SERVICE

2 I, Jeanne Rose, declare:

3 I am a citizen of the United States and am employed in the County of Alameda. I am over
4 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.

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

6 **APPLICATION FOR ORDER AUTHORIZING PRODUCTION OF**
7 **RECORDS OF KAISER PERMANENTE PURSUANT TO**
8 **FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

9 **[PROPOSED] ORDER AUTHORIZING PRODUCTION OF**
10 **RECORDS OF KAISER PERMANENTE PURSUANT TO**
11 **FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

12 by placing a true and correct copy thereof enclosed in a sealed envelope with first-class postage
13 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.

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

16 Executed on September 15, 2017, at Oakland, California.

17 /s/ Jeanne Rose
18 JEANNE ROSE

19 Kaiser Permanente
20 Attn: Legal Department
21 1 Kaiser Plaza
Oakland, CA 94612

22 Office of the United States Trustee
23 450 Golden Gate Ave., 5th Floor
Suite 05-0153
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24 Stephen D. Finestone, Esq.
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26 456 Montgomery St., 20th Flr.
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27 (Attorney for Debtor)
28