

1 Mark S. Bostick (Bar No. 111241)
2 **WENDEL, ROSEN, BLACK & DEAN LLP**
3 1111 Broadway, 24th 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 **DIRECTING PRODUCTION OF**
20 **RECORDS OF WELLS FARGO BANK**
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 WELLS FARGO BANK, 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 Wells Fargo Bank, N.A. (“Wells Fargo”) to produce the documents set forth below
pursuant to Federal Rule of Bankruptcy Procedure 2004.¹

The examination of Wells Fargo 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:

¹ An Order Authorizing 2004 Exam of Wells Fargo Bank, N.A. was entered on April 24, 2017, [Docket No. 540]
authorizing the production of Wells Fargo credit card statements that were paid by the Debtor.

1 **REQUEST NO. 1:** All monthly Wells Fargo savings checking and brokerage account
2 statements held in the name of John Fox, aka John E. Fox, aka John Eugene Fox (“John Fox”)
3 from January 8, 2009 through January 8, 2016.

4 **REQUEST NO. 2:** The signature cards or signed account agreements for each account
5 held in the name of John Fox.

6 **REQUEST NO. 4:** All monthly statements for Wells Fargo account no. 6644467026 from
7 January 8, 2009 through January 8, 2016.

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

9 Directing Wells Fargo to produce the documents described herein at the offices of Wendel,
10 Rosen, Black & Dean LLP, 1111 Broadway, 24th Floor, Oakland, California 94607 not less than
11 15 days from the date of service of the subpoena.

12 DATED: October 27, 2017

WENDEL, ROSEN, BLACK & DEAN LLP

14 By: /s/ Mark S. Bostick

15 Mark S. Bostick

16 Attorneys for Michael G. Kasolas, Trustee

17
18
19
20
21
22
23
24
25
26
27
28

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 DIRECTING PRODUCTION OF**
7 **RECORDS OF WELLS FARGO PURSUANT TO**
8 **FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

9 **[PROPOSED] ORDER DIRECTING PRODUCTION OF RECORDS OF WELLS FARGO**
10 **PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

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

15 Executed on October 27, 2017, at Oakland, California.

16
17 /s/ Jeanne Rose
JEANNE ROSE

18 **By Certified Mail**

19 Wells Fargo Bank, N.A.
20 c/o CSC - Lawyers Incorporating Service
21 2710 Gateway Oaks Dr., Suite 150N
Sacramento, CA 95833

22 Office of the United States Trustee
23 450 Golden Gate Ave., 5th Floor
Suite 05-0153
24 San Francisco, CA 94102

25 Charles P. Maher
26 Rincon Law LLP
268 Bush Street, Suite 3335
27 San Francisco, CA 94104-2323
(Attorney for Marlene Weinstein,
Trustee of the Bankruptcy Estate of John Fox)