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8 UNITED STATES BANKRUPTCY COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 OAKLAND DIVISION

11 In re

Case No. 16-40050-WJL

12 FOX ORTEGA ENTERPRISES, INC., dba
PREMIER CRU

Chapter 7

13 Debtor.

**APPLICATION FOR ORDER
AUTHORIZING PRODUCTION OF
RECORDS OF MARLENE WEINSTEIN,
TRUSTEE, PURSUANT TO FEDERAL
RULE OF BANKRUPTCY PROCEDURE
2004**

17 **TO: THE HONORABLE WILLIAM J. LAFFERTY, III, THE UNITED STATES**
18 **TRUSTEE, MARLENE WEINSTEIN, TRUSTEE, AND COUNSEL FOR JOHN FOX:**

19 **PLEASE TAKE NOTICE** that Michael G. Kasolas, (“Kasolas”), trustee of the above-
20 captioned estate of Fox Ortega Enterprises, Inc., dba Premier Cru (“Premier Cru”), hereby applies
21 for an order authorizing production of records from Marlene Weinstein, trustee of the bankruptcy
22 estate of John Eugene Fox (“Trustee Weinstein”), pending in the United States Bankruptcy Court
23 for the Northern District of California, Case No. 16-40340, to produce the documents set forth
below pursuant to Federal Rule of Bankruptcy Procedure 2004.

24 The production of documents by Trustee Weinstein is necessary to facilitate Kasolas’s
25 investigation regarding the potential avoidable transfers and assets of the above-captioned estate.
26 Counsel for Kasolas has conferred with counsel for Trustee Weinstein who has consented to the
27 production of the documents requested.

28 Kasolas requests that the following documents be produced:

1 **REQUEST NO. 1:** All monthly savings, checking and brokerage account statements of
2 Heritage Bank of Commerce, Bank of America, N.A. and Chase Bank in the name of John Fox,
3 aka John E. Fox, aka John Eugene Fox (“John Fox”) from January 8, 2009 through January 8,
4 2016.

5 **REQUEST NO. 2:** All monthly savings, checking and brokerage account statements held
6 in the name of John Fox from January 8, 2009 through January 8, 2016 from any other bank not
7 listed above.

8 **REQUEST NO. 3:** All monthly savings, checking and brokerage account statements held
9 in any other name on behalf of John Fox, including but not limited to Abegail Fox, from January
10 8, 2009 through January 8, 2016.

11 **REQUEST NO. 4:** The signature cards or signed account agreements for each bank
12 account held in the name of John Fox any other name on behalf of John Fox, including but not
13 limited to Abegail Fox, from January 8, 2009 through January 8, 2016.

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

15 Authorizing Kasolas to obtain from Trustee Weinstein the documents described herein at
16 the offices of Wendel, Rosen, Black & Dean LLP, 1111 Broadway, 24th Floor, Oakland,
17 California 94607 not less than 10 days from the date of entry of the order granting this application.

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DATED: November 2, 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 MARLENE WEINSTEIN, TRUSTEE, PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

**[PROPOSED] ORDER AUTHORIZING PRODUCTION OF RECORDS OF MARLENE
WEINSTEIN, TRUSTEE, 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 November 2, 2017, at Oakland, California.

/s/ Jeanne Rose
JEANNE ROSE

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

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(Attorney for Marlene Weinstein,
Trustee of the Bankruptcy Estate of John Fox)

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(Attorneys for John E. Fox)