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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re
FOX ORTEGA ENTERPRISES, INC.,
dba PREMIER CRU,
Debtor.

MICHAEL G. KASOLAS, Trustee,
Plaintiff,
vs.
WEI WEI,
Defendant.

Case No. 16-40050-WJL

Chapter 7

Adversary Proceeding No.

**COMPLAINT TO AVOID AND
RECOVER PREFERENTIAL TRANSFER
AND DISALLOW CLAIMS**

Plaintiff Michael G. Kasolas (the "Trustee"), trustee of the above-captioned chapter 7
bankruptcy estate of Fox Ortega Enterprises, Inc., dba Premier Cru (the "Debtor"), alleges as
follows:

JURISDICTION AND VENUE

1. The Debtor filed its voluntary petition for relief under chapter 7 of the United States Bankruptcy Code (Title 11 of the United States Code) on January 8, 2016 (the "Petition Date").

2. Thereafter, the Trustee was appointed. At all relevant times herein, the Trustee was, and currently is, the duly qualified and acting trustee of the Debtor's chapter 7 bankruptcy case (the "Case").

3. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §1334(b) and 28 U.S.C. §157(a).

4. Venue is proper in this pursuant to 28 U.S.C. §1409(a).

5. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (F) and (O), which seeks relief under 11 U.S.C. §§ 547(a), 550(a) and 502(d), and under Rule 7001(1) of the Federal Rules of Bankruptcy Procedure.

6. The Trustee consents to the entry of a final order by the above-captioned Bankruptcy Court.

7. Defendant WEI WEI ("Defendant") is an individual.

FIRST CLAIM FOR RELIEF Avoidance and Recovery of Preferential Transfer

8. On or about 1/5/2016, the Debtor made transfers in the form of wine shipped to Defendant in the aggregate value of at least \$26,141.67 (the "Transfer"). A detailed summary of the wines constituting the Transfer is attached hereto as **Exhibit A**.

9. The Transfer was made to or for the benefit of a creditor, namely, the Defendant, who, at the time of the Transfer, was owed goods by the Debtor.

10. The Transfer was made on account of an antecedent debt.

11. The Transfer was made while the Debtor was insolvent.

12. The Transfer was made within 90 days of the Petition Date.

13. The Transfer enabled Defendant to receive more than Defendant would receive if (a) the case was a case under chapter 7 of Title 11; (b) the Debtor had not made the Transfer; and (c) the Defendant received payment of such debt to the extent provided by the provisions of Title 11.

14. The Defendant asserted dominion and control of the wine transferred and the Defendant was the immediate transferee of the Transfer under 11 U.S.C. § 550(a)(1).

15. The Trustee's investigation is ongoing, and the Trustee may not be currently aware of all transfers that may have been made to Defendant during the 90 day period prior to the Petition Date. The Trustee will amend this Complaint to include any newly discovered transfers that are avoidable.

WHEREFORE, the Trustee prays for relief as set forth below.

SECOND CLAIM FOR RELIEF

Disallowance of Claim

16. The Trustee re-alleges and incorporates by reference paragraphs 1-15 of this Complaint as though fully set forth herein.

17. The Transfer is avoidable under 11 U.S.C. § 547 (a) and the value thereof is recoverable under 11 U.S.C. § 550(a).

18. The Defendant refuses to pay the amount for which it is liable under 11 U.S.C. § 550(a).

WHEREFORE, the Trustee prays for relief as follows:

PRAYER FOR RELIEF

The Trustee requests entry of judgment against Defendant as follows:

On the First Claim for Relief:

1. Avoiding the Transfer under 11 U.S.C. § 547(b) and recovering the value thereof under 11 U.S.C. § 550(a);

2. Determining that the Trustee may recover \$26,141.67 from Defendant; and

3. Awarding pre-judgment interest at the legal rate from the date of demand.

On the Second Claim for Relief:

4. Disallowing any and all claims filed in the Case by Defendant pursuant to 11 U.S.C. § 502(d).

On each Claim:

5. Awarding costs of suit incurred herein; and
6. For any other relief that the Court Deems proper.

Dated: December 12, 2017

WENDEL, ROSEN, BLACK & DEAN LLP

By: /s/ Albert Flor, Jr.

Albert Flor, Jr.
Attorneys for Plaintiff
Michael G. Kasolas, Trustee

EXHIBIT A

CustID	CustName	ShipDate	Shipment	PMT Date	Tender Type	SO Date	Sales Order	PickDate	PickList	ItemID	Format	QtyShip	UnitPrice	ExtPrice
40576	Wei Wei	1/5/2016	PL-130897	4/9/2015	VISA	4/8/2015	SO-0000475532	1/5/2016	PL-130897	20267	85 Musigny V.V. Magnum, Vogue	1	\$ 1,462.50	\$ 1,462.50
40576	Wei Wei	1/5/2016	PL-130897	3/22/2012	VISA	3/22/2012	SO-0000377596	1/5/2016	PL-130897	39743	07 Assorted Grand Cru Case, Ponsot	1	\$ 1,999.00	\$ 1,999.00
40576	Wei Wei	1/5/2016	PL-130897	3/24/2012	VISA	3/24/2012	SO-0000377751	1/5/2016	PL-130897	39743	07 Assorted Grand Cru Case, Ponsot	1	\$ 1,999.00	\$ 1,999.00
40576	Wei Wei	1/5/2016	PL-130897	7/6/2011	VISA	7/6/2011	SO-0000358872	1/5/2016	PL-130897	40232	45 Leoville las Cases (damaged capsule - nicked label)	1	\$ 799.99	\$ 799.99
40576	Wei Wei	1/5/2016	PL-130897	3/15/2012	VISA	3/15/2012	SO-0000376988	1/5/2016	PL-130897	40776	09 Bonnes Mares, Jadot	2	\$ 199.99	\$ 399.98
40576	Wei Wei	1/5/2016	PL-130897	8/19/2013	VISA	8/19/2013	SO-0000421161	1/5/2016	PL-130897	40776	09 Bonnes Mares, Jadot	2	\$ 149.99	\$ 299.98
40576	Wei Wei	1/5/2016	PL-130897	1/24/2011	WIRE	1/17/2011	SO-0000348854	1/5/2016	PL-130897	40784	09 Clos Vougeot, Jadot	6	\$ 89.99	\$ 539.94
40576	Wei Wei	1/5/2016	PL-130897	11/29/2011	VISA	11/28/2011	SO-0000368007	1/5/2016	PL-130897	40784	09 Clos Vougeot, Jadot	3	\$ 79.99	\$ 239.97
40576	Wei Wei	1/5/2016	PL-130897	12/13/2011	VISA	12/7/2011	SO-0000368637	1/5/2016	PL-130897	40784	09 Clos Vougeot, Jadot	3	\$ 79.99	\$ 239.97
40576	Wei Wei	1/5/2016	PL-130897	3/28/2013	VISA	3/28/2013	SO-0000408609	1/5/2016	PL-130897	41107	08 Clos de la Roche V.V., Ponsot	3	\$ 169.99	\$ 509.97
40576	Wei Wei	1/5/2016	PL-130897	1/24/2011	WIRE	1/17/2011	SO-0000348854	1/5/2016	PL-130897	41113	09 Ermitage Pavillon, Chapoutier	6	\$ 135.00	\$ 810.00
40576	Wei Wei	1/5/2016	PL-130897	7/18/2011	VISA	7/18/2011	SO-0000359393	1/5/2016	PL-130897	41301	09 Chapelle Chambertin, Bouchard	1	\$ 79.99	\$ 79.99
40576	Wei Wei	1/5/2016	PL-130897	1/24/2011	WIRE	1/17/2011	SO-0000348854	1/5/2016	PL-130897	41510	08 Romanee St Vivant, Arnoux	6	\$ 199.99	\$ 1,199.94
40576	Wei Wei	1/5/2016	PL-130897	1/24/2011	WIRE	1/17/2011	SO-0000348854	1/5/2016	PL-130897	41517	08 Montrachet, Boillot	3	\$ 245.00	\$ 735.00
40576	Wei Wei	1/5/2016	PL-130897	11/15/2012	VISA	11/15/2012	SO-0000397030	1/5/2016	PL-130897	41552	09 Branaire Ducru	24	\$ 39.99	\$ 959.76
40576	Wei Wei	1/5/2016	PL-130897	4/28/2011	VISA	4/27/2011	SO-0000354827	1/5/2016	PL-130897	41557	09 Canon la Gaffeliere	3	\$ 59.99	\$ 179.97
40576	Wei Wei	1/5/2016	PL-130897	7/12/2011	WIRE	7/6/2011	SO-0000358897	1/5/2016	PL-130897	41557	09 Canon la Gaffeliere	24	\$ 59.99	\$ 1,439.76
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/7/2012	SO-0000398828	1/5/2016	PL-130897	41686	09 La Conseillante	6	\$ 89.99	\$ 539.94
40576	Wei Wei	1/5/2016	PL-130897	5/19/2011	VISA	5/19/2011	SO-0000356037	1/5/2016	PL-130897	41703	09 Bellevue Mondot	6	\$ 169.99	\$ 1,019.94
40576	Wei Wei	1/5/2016	PL-130897	3/15/2012	VISA	3/15/2012	SO-0000376988	1/5/2016	PL-130897	41816	09 La Lagune	3	\$ 49.99	\$ 149.97
40576	Wei Wei	1/5/2016	PL-130897	7/6/2011	VISA	7/5/2011	SO-0000358817	1/5/2016	PL-130897	42074	09 Corton Charlemagne, H. Boillot	6	\$ 129.99	\$ 779.94
40576	Wei Wei	1/5/2016	PL-130897	12/13/2011	VISA	12/7/2011	SO-0000368637	1/5/2016	PL-130897	42162	09 Corton Charlemagne, Faiveley	3	\$ 135.00	\$ 405.00
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/6/2012	SO-0000398758	1/5/2016	PL-130897	42162	09 Corton Charlemagne, Faiveley	3	\$ 109.99	\$ 329.97
40576	Wei Wei	1/5/2016	PL-130897	3/22/2013	VISA	3/22/2013	SO-0000408089	1/5/2016	PL-130897	42162	09 Corton Charlemagne, Faiveley	3	\$ 109.99	\$ 329.97
40576	Wei Wei	1/5/2016	PL-130897	3/28/2013	VISA	3/28/2013	SO-0000408609	1/5/2016	PL-130897	42162	09 Corton Charlemagne, Faiveley	2	\$ 109.99	\$ 219.98
40576	Wei Wei	1/5/2016	PL-130897	8/18/2011	VISA	8/18/2011	SO-0000361372	1/5/2016	PL-130897	42786	08 Richebourg, Gros Freres	3	\$ 169.99	\$ 509.97
40576	Wei Wei	1/5/2016	PL-130897	4/15/2013	VISA	4/15/2013	SO-0000410323	1/5/2016	PL-130897	42971	09 Chablis Bougros Cote de Bouguerots, Fevre	4	\$ 39.99	\$ 159.96
40576	Wei Wei	1/5/2016	PL-130897	4/15/2013	VISA	4/15/2013	SO-0000410323	1/5/2016	PL-130897	42974	09 Chablis Preuses, Fevre	4	\$ 39.99	\$ 159.96
40576	Wei Wei	1/5/2016	PL-130897	2/11/2011	Store Credit	1/28/2011	SO-0000349634	1/5/2016	PL-130897	43005	07 Cote Rotie La Landonne, Guigal	1	\$ 175.00	\$ 175.00
40576	Wei Wei	1/5/2016	PL-130897	8/25/2011	VISA	8/25/2011	SO-0000361752	1/5/2016	PL-130897	43241	09 Chapelle Chambertin, Ponsot	2	\$ 225.00	\$ 450.00
40576	Wei Wei	1/5/2016	PL-130897	10/27/2011	VISA	10/27/2011	SO-0000365345	1/5/2016	PL-130897	43241	09 Chapelle Chambertin, Ponsot	2	\$ 225.00	\$ 450.00
40576	Wei Wei	1/5/2016	PL-130897	1/0/1900	VISA	7/7/2011	SO-0000358925	1/5/2016	PL-130897	43421	09 Gevrey Chambertin 1er Cru, Mortet	6	\$ 69.99	\$ 419.94
40576	Wei Wei	1/5/2016	PL-130897	4/28/2011	VISA	4/27/2011	SO-0000354827	1/5/2016	PL-130897	43545	09 Smith Haut Lafitte Blanc	1	\$ 59.99	\$ 59.99
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/6/2012	SO-0000398758	1/5/2016	PL-130897	43711	08 Pommard Rugiens, Gaunoux	3	\$ 69.99	\$ 209.97
40576	Wei Wei	1/5/2016	PL-130897	11/29/2011	VISA	11/28/2011	SO-0000368007	1/5/2016	PL-130897	43831	09 Charmes Chambertin, Claude Dugat	2	\$ 299.99	\$ 599.98
40576	Wei Wei	1/5/2016	PL-130897	12/15/2011	VISA	12/15/2011	SO-0000369414	1/5/2016	PL-130897	44175	09 Griottes Chambertin (Ponsot), Chezeaux	3	\$ 179.99	\$ 539.97
40576	Wei Wei	1/5/2016	PL-130897	10/27/2011	VISA	10/27/2011	SO-0000365345	1/5/2016	PL-130897	44312	09 Volnay Lurets, Dominique Lafon	6	\$ 69.99	\$ 419.94
40576	Wei Wei	1/5/2016	PL-130897	8/25/2011	VISA	8/25/2011	SO-0000361752	1/5/2016	PL-130897	44370	07 Clos de Tart	2	\$ 199.99	\$ 399.98
40576	Wei Wei	1/5/2016	PL-130897	8/19/2013	VISA	8/19/2013	SO-0000421161	1/5/2016	PL-130897	44747	09 Nuits Clos de l'Arlot, Domaine de l'Arlot	3	\$ 59.99	\$ 179.97
40576	Wei Wei	1/5/2016	PL-130897	8/19/2013	VISA	8/19/2013	SO-0000421161	1/5/2016	PL-130897	44748	09 Nuits Clos des Forets, Domaine de l'Arlot	3	\$ 49.99	\$ 149.97
40576	Wei Wei	1/5/2016	PL-130897	12/9/2011	VISA	12/9/2011	SO-0000368760	1/5/2016	PL-130897	45012	2010 Clos Vougeot, Faiveley	3	\$ 89.99	\$ 269.97
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/6/2012	SO-0000398758	1/5/2016	PL-130897	45340	2010 Clos Vougeot, Boillot	3	\$ 105.99	\$ 317.97
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/6/2012	SO-0000398758	1/5/2016	PL-130897	45341	2010 Pommard Rugiens, Boillot	6	\$ 79.99	\$ 479.94
40576	Wei Wei	1/5/2016	PL-130897	3/15/2012	VISA	3/15/2012	SO-0000376988	1/5/2016	PL-130897	45599	09 Corton Bressandes, Ponsot	3	\$ 125.00	\$ 375.00
40576	Wei Wei	1/5/2016	PL-130897	3/15/2012	VISA	3/15/2012	SO-0000376988	1/5/2016	PL-130897	45703	09 Chambertin, Jadot	2	\$ 179.99	\$ 359.98
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/6/2012	SO-0000398758	1/5/2016	PL-130897	46809	2010 Gigondas Hautes Garrigues, Santa Duc	4	\$ 39.99	\$ 159.96
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/6/2012	SO-0000398758	1/5/2016	PL-130897	46810	2010 Gigondas Grandes Grenaches 66, Santa Duc	4	\$ 39.99	\$ 159.96
40576	Wei Wei	1/5/2016	PL-130897	8/19/2013	VISA	8/19/2013	SO-0000421161	1/5/2016	PL-130897	46833	2010 Nuits Clos des Forets, Domaine l'Arlot	3	\$ 59.99	\$ 179.97
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/6/2012	SO-0000398758	1/5/2016	PL-130897	46866	09 Cote Rotie d'Ampuis, Guigal	3	\$ 69.99	\$ 209.97
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/6/2012	SO-0000398758	1/5/2016	PL-130897	46952	09 Pommard Rugiens, Gaunoux	3	\$ 79.99	\$ 239.97
40576	Wei Wei	1/5/2016	PL-130897	12/11/2012	WIRE	12/6/2012	SO-0000398758	1/5/2016	PL-130897	46961	09 Corton Renardes, Gaunoux	3	\$ 79.99	\$ 239.97
40576	Wei Wei	1/5/2016	PL-130897	12/16/2014	VISA	12/16/2014	SO-0000464547	1/5/2016	PL-130897	49379	2012 Grands Echezeaux, Gros Frere	1	\$ 139.99	\$ 139.99
40576	Wei Wei	1/5/2016	PL-130897	12/16/2014	VISA	12/16/2014	SO-0000464547	1/5/2016	PL-130897	49380	2012 Richebourg, Gros Frere	1	\$ 229.99	\$ 229.99
40576	Wei Wei	1/5/2016	PL-130897	6/1/2012	VISA	6/1/2012	SO-0000382780	1/5/2016	PL-130897	RE611	94 Dominus	1	\$ 225.00	\$ 225.00
													207	\$ 26,141.67