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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re

FOX ORTEGA ENTERPRISES, INC.,
dba PREMIER CRU,

Debtor.

Case No. 16-40050-WJL

Chapter 7

**REQUEST FOR ENTRY OF ORDER BY
DEFAULT APPROVING COMPROMISE
WITH JF HILLEBRAND FRANCE AND
SALE OF WINES TO SPECTRUM**

**TO: THE HONORABLE WILLIAM J. LAFFERTY, III, UNITED STATES
BANKRUPTCY JUDGE, OAKLAND, CALIFORNIA:**

Michael G. Kasolas, trustee herein ("Trustee"), requests that the Court enter an order granting his *Motion for Order Approving Compromise with JF Hillebrand France and Proposed Sale of Wines to Spectrum* ("Motion") as described in the Trustee's *Notice and Opportunity for Hearing on Motion for Order Approving Compromise with JF Hillebrand France and Proposed Sale of Wines to Spectrum* ("Notice"), dated November 22, 2017, [Doc #605]. This request is further supported by the Declaration of Mark S. Bostick filed in support hereof ("Declaration").

On November 22, 2017, the Notice was duly served on all parties entitled to notice under this Court's *Order Granting Motion to Reduce Notice Required for Future Notices Under Bankruptcy Rule 2002(a)* [Doc# 437] as set forth in the Certificate of Service attached to the Notice and further set forth in the Certificate of Service prepared by BMC Group, Inc., the

1 Trustee's noticing agent, filed on November 29, 2017 [Doc# 608].

2 The Notice provided, pursuant to Bankruptcy Rule 9019 and Bankruptcy Local Rule 9014-
3 1(b)(3) that unless an objection or request for hearing was filed in response to the Notice within
4 21-days from the date of the mailing of the Notice, an order approving the compromise with JF
5 Hillebrand France and the sale of wines to Spectrum Wine Auctions may be entered without
6 further notice or opportunity to be heard. The last day to have timely filed and served an objection
7 or request for hearing pursuant to the Notice was December 13, 2017.

8 No timely objections or requests for hearing were filed or served in response to the Notice.

9 For the reasons stated in the Notice and the Declaration, the Trustee submits that his
10 proposed compromise with JF Hillebrand France and the sale of wines to Spectrum Wine
11 Auctions is fair and equitable and in the best interests of creditors of the estate.

12 WHEREFORE, the Trustee requests that the Court enter an order granting his Motion,
13 approving the settlement agreement with JF Hillebrand attached as Exhibit 6 to the Declaration of
14 Michael G. Kasolas filed in support of the Motion [Doc# 604-3] ("Kasolas Declaration"), and
15 approving the sale agreement with Spectrum Wine Auctions attached as Exhibit 5 to the Kasolas
16 Declaration.

17 DATED: December 14, 2017

WENDEL, ROSEN, BLACK & DEAN LLP

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19 By: /s/ Mark S. Bostick

20 Mark S. Bostick

21 Attorneys for Michael G. Kasolas, Trustee
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