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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 In re

12 FOX ORTEGA ENTERPRISES, INC.,
13 dba PREMIER CRU,

14 Debtor.
15

Case No. 16-40050-WJL

Chapter 7

**DECLARATION OF MARK S. BOSTICK
IN SUPPORT OF REQUEST FOR ENTRY
OF ORDER BY DEFAULT APPROVING
COMPROMISE WITH JAMES
TANANBAUM**

16
17 I, Mark S. Bostick, declare:

18 I am duly admitted to practice before the above-entitled court, and I have personal
19 knowledge of the matters set forth herein and if called as a witness, I would and could
20 competently testify as follows:

21 1. I submit this declaration in support of the trustee's request for order approving his
22 settlement agreement with James Tananbaum.

23 2. On November 22, 2017, I caused to be filed and served the *Notice and Opportunity*
24 *for Hearing on Motion for Order Approving Compromise on Preference Claim* ("Notice") [Doc#
25 603].

26 3. The Notice was duly served on all parties entitled to notice under this Court's
27 *Order Granting Motion to Reduce Notice Required for Future Notices Under Bankruptcy Rule*
28 *2002(a)* [Doc# 437] as set forth in the Certificate of Service attached to the Notice and further set

1 forth in the Certificate of Service prepared by BMC Group, Inc., the trustee's noticing agent, filed
2 on November 29, 2017 [Doc# 608].

3 4. In accordance with Bankruptcy Rule 9019 and Bankruptcy Local Rule 9014-
4 1(b)(3), the Notice provided that if no objection or request for hearing was served and filed within
5 21-days of the date of the mailing of the Notice, i.e., on or before December 13, 2017, the
6 proposed compromise may be approved by the Court without further notice or hearing.

7 5. I have reviewed the docket in this case and no timely objections were filed
8 opposing this motion. Further, no timely objections were received by this office.

9 6. A true and correct copy of the settlement agreement with James Tananbaum is
10 attached as Exhibit A to the Declaration of Mark S. Bostick filed on November 22, 2017 [Doc#
11 602-1] in support of the Motion.

12 7. For the reasons stated in the Notice, the trustee and I believe that the proposed
13 compromise with James Tananbaum is fair and reasonable and in the best interests of creditors and
14 the estate.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct and that this declaration is executed in Oakland, California, on
17 December 14, 2017.

18
19 /s/ Mark S. Bostick
Mark S. Bostick