

Mark S. Bostick (Bar No. 111241)  
Tracy Green (Bar No. 114876)  
**WENDEL, ROSEN, BLACK & DEAN LLP**  
1111 Broadway, 24<sup>th</sup> Floor  
Oakland, California 94607-4036  
Telephone: (510) 834-6600  
Fax: (510) 834-1928  
Email: mbostick@wendel.com;  
tgreen@wendel.com

Attorneys for Michael G. Kasolas, Trustee

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

**DECLARATION OF MARK S. BOSTICK  
IN SUPPORT OF REQUEST FOR ENTRY  
OF ORDER BY DEFAULT APPROVING  
COMPROMISE WITH CITIBANK, N.A.**

I, Mark S. Bostick, declare:

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

1. I submit this declaration in support of the trustee's request for order approving his settlement agreement with Citibank, N.A.

2. On December 5, 2017, I caused to be filed and served the *Notice and Opportunity for Hearing on Motion for Order Approving Compromise with Citibank, N.A.* ("Notice") [Doc# 616].

3. 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

1 forth in the Certificate of Service prepared by BMC Group, Inc., the trustee's noticing agent, filed  
2 on December 7, 2017 [Doc# 618].

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 26, 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 CitiBank, N.A. is  
10 attached as Exhibit A to the Declaration of Mark S. Bostick filed on December 5, 2017 [Doc#  
11 615-1] 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 Citibank, N.A. is fair and reasonable and in the best interests of creditors and the  
14 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 28, 2017.

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