	1 2 3 4 5 6	Mark S. Bostick (Bar No. 111241) Albert Flor (Bar No. 168291) <b>WENDEL, ROSEN, BLACK &amp; DEAN LLP</b> 1111 Broadway, 24 <sup>th</sup> Floor Oakland, California 94607-4036 Telephone: (510) 834-6600 Fax: (510) 834-1928 Email: mbostick@wendel.com Email: tgreen@wendel.com Attorneys for Michael G. Kasolas, Trustee		
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	8	UNITED STATES BANKRUPTCY COURT		
	9 10	NORTHERN DISTRICT OF CALIFORNIA		
ĹP	11	OAKLAND DIVISION		
	12			
Dean loor 7-4036	13	In re	Case No. 16-40050-WJL	
Wendel, Rosen, Black & Dean LLP 1111 Broadway. 24 <sup>th</sup> Floor Oakland, California 94607-4036	14	FOX ORTEGA ENTERPRISES, INC., dba PREMIER CRU,	Chapter 7	
OSEN, E 1 Broadw Id. Califoi	15	Debtor.		
ndel, Ro 1111 Oaklano	16		Adversary Proceeding No.	
Wen	17	MICHAEL G. KASOLAS, Trustee,	COMPLAINT TO AVOID AND	
	18	Plaintiff,	RECOVER PREFERENTIAL TRANSFER	
	19	VS.		
	20	WOOD ROBBINS, LLP,		
	21	Defendant		
	22	Plaintiff Michael G. Kasolas (the "Trustee"), trustee of the above-captioned chapter 7		
	23	bankruptcy estate of Fox Ortega Enterprises, Inc., dba Premier Cru ("Debtor"), alleges as follows:		
	24	JURISDICTION AND VENUE		
	25	1.The Debtor filed its voluntary petition for relief under chapter 7 of the UnitedStates Bankruptcy Code (Title 11 of the United States Code) on January 8, 2016 (the "Petition		
	26			
	20	Date").		
	28	2. The Trustee is the duly appointed	trustee of the Debtor's chapter 7 bankruptcy case	
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1	(the "Case").		
2	3.	This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §1334(b)	
3	and 28 U.S.C. §157(a).		
4	4.	Venue is proper in this pursuant to 28 U.S.C. §1409(a).	
5	5.	This is a core proceeding pursuant to 28 U.S.C. § §157(b)(2)(A), (F) and (O),	
6	which seeks relief under 11 U.S.C. §§ 547(a), 550(a) and 502(d), and under Rule 7001(1) of the		
7	Federal Rules of Bankruptcy Procedure.		
8	6.	The Trustee consents to the entry of a final order by the above-captioned	
9	Bankruptcy Court.		
10		FIRST CLAIM FOR RELIEF	
11		Avoidance and Recovery of Preferential Transfer	
12	7.	Defendant WOOD ROBBINS LLP, ("Defendant") is a law firm doing business in	
13	San Francisco, California, and provided legal services on behalf of John Fox individually and to		
14	the Debtor.		
15	8.	On or about December 9, 2015, the Debtor transferred \$14,824.75 ("Transfer") to	
16	Defendant on account of legal services rendered for the Debtor or John Fox.		
17	9.	The Debtor made the Transfer to or for the benefit of a creditor, namely the	
18	Defendant.		
19	10.	The Transfer was made on account of an antecedent debt.	
20	11.	The Transfer was made while the Debtor was insolvent.	
21	12.	The Transfer was made within 90 days of the Petition Date.	
22	13.	The Transfer enabled Defendant to receive more than it would have received if: (a)	
23	the case was	a case under chapter 7 of Title 11; (b) the Debtor had not made the Transfer; and (c)	
24	Defendant received payment of such debt to the extent provided by the provisions of Title 11.		
25	14.	Defendant was the initial transferee of the Transfer under 11 U.S.C. §550(a)(1).	
26	15.	The Trustee's investigation is ongoing and to the extent the Trustee discovers	
27	additional transfers to Defendant within the 90-day period prior to the Petition Date, the Trustee		
28	will amend th	his complaint to include such transfers as part of this claim.	

1       WHEREFORE, the Trustee prays for relief as set forth below.         2 <b>PRAYER FOR RELIEF</b> 3       The Trustee requests entry of judgment against Defendant as follows:         4       1. Avoiding the Transfer under 11 U.S.C. § 547(b) and granting recovery for value thereof under 11 U.S.C. § 550(a).         5       value thereof under 11 U.S.C. § 550(a).         6       2. Awarding re-judgment interest at the legal rate from the date of deman         7       3. Awarding costs of suit incurred herein; and         4       For any other relief that the Court deems proper.         9       Dated: January 8, 2018         11       By: <u>A/ Mark S. Bostick</u> 11       Mark S. Bostick         12       By: <u>A/ Mark S. Bostick</u> 13       Mark S. Bostick         14       Michael G. Kasolas. Trustee         15       16         16       17         18       19         20       21         21       22         22       23         24       25         25       26         26       27         27       28         28       26         29       26         20       27				
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A. For any other relief that the Court deems proper. Dated: January 8, 2018 NENDEL, ROSEN, BLACK & DEA 11 12 13 14 14 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	ate of demand.			
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