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

12 In re
13 FOX ORTEGA ENTERPRISES, INC.,
14 dba PREMIER CRU,
15 Debtor.

Case No. 16-40050-WJL
Chapter 7

16 MICHAEL G. KASOLAS, Trustee,
17 Plaintiff,

Adversary Proceeding No.

**COMPLAINT TO AVOID AND
RECOVER PREFERENTIAL TRANSFER**

18 vs.

19 WOOD ROBBINS, LLP,
20 Defendant.

21 Plaintiff Michael G. Kasolas (the “Trustee”), trustee of the above-captioned chapter 7
22 bankruptcy estate of Fox Ortega Enterprises, Inc., dba Premier Cru (“Debtor”), alleges as follows:
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24 **JURISDICTION AND VENUE**

- 25 1. The Debtor filed its voluntary petition for relief under chapter 7 of the United
26 States Bankruptcy Code (Title 11 of the United States Code) on January 8, 2016 (the “Petition
27 Date”).
28 2. The Trustee is the duly appointed trustee of the Debtor’s chapter 7 bankruptcy case

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 this complaint to include such transfers as part of this claim.

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

PRAYER FOR RELIEF

The Trustee requests entry of judgment against Defendant as follows:

1. Avoiding the Transfer under 11 U.S.C. § 547(b) and granting recovery for the value thereof under 11 U.S.C. § 550(a).
2. Awarding pre-judgment interest at the legal rate from the date of demand.
3. Awarding costs of suit incurred herein; and
4. For any other relief that the Court deems proper.

Dated: January 8, 2018

WENDEL, ROSEN, BLACK & DEAN LLP

By: /s/ Mark S. Bostick
Mark S. Bostick
Attorneys for Plaintiff
Michael G. Kasolas, Trustee