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8		
9	UNITED STATES BANKRUPTCY COURT	
10	NORTHERN DISTRICT OF CALIFORNIA	
11	OAKLAND DIVISION	
12		
13	In re	Case No. 16-40050-WJL
14	FOX ORTEGA ENTERPRISES, INC., dba PREMIER CRU,	Chapter 7
15		DECLARATION OF BRIAN NISHI IN SUPPORT OF MOTION FOR ORDERS (1)
16	Debtor.	AUTHORIZING SALE OF WINE AND OVERBIDDING PROCEDURES, AND (2)
17		MOTION FOR ORDER AUTHORIZING SALE FREE AND CLEAR OF LIENS OF
18		COMMUNITY BANK OF THE BAY AND ADVANCE RESTAURANT FINANCE LLC,
19		AND (3) AUTHORIZING TRUSTEE TO MAKE CERTAIN PAYMENTS RELATED
20		TO REDEEMED BOTTLES
21		Date: August 30, 2016
22		Time: 10:00 a.m. Place: Courtroom 220
23		1300 Clay Street
24		Oakland, CA Judge: William J. Lafferty, III
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I, Brian Nishi, declare:

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I am a former employee of Fox Ortega Enterprises, Inc., dba Premier Cru
 ("Debtor") and have been retained to assist the Trustee by looking up information, preparing
 reports derived from the Debtor's books and records, and providing information related to the
 Debtor's pre-bankruptcy operations as requested by the Trustee, his counsel, or the Class Action.
 The following facts are true of my own personal knowledge and if called upon to do so, I would
 and could competently testify thereto, except as to those matters that are alleged upon information
 and belief and as to those matters, I believe them to be true.

9 2. I have reviewed the Exhibits and Schedules attached to the Sale Agreement and the
10 Unfettered Sale Agreement attached as Exhibits to the Declaration of Michael Kasolas. I prepared
11 the Exhibits and Schedules based upon my review of the Debtor's books and records and further
12 clarified by an inventory prepared by Wests Auctions.

3. Attached as Exhibit A to the Sale Agreement is a true and correct copy of the list of
the 73,785 bottles of wine that are in the Debtor's warehouse that do not include the unfettered
wine bottle list, defined below ("Primary Wine Bottles") The copy that is attached as Exhibit A to
the Sale Agreement has been altered to remove certain columns (such as the Debtor's item
number), but the list is an accurate list of the Primary Wines based on the Debtor's records.

4. Attached as Exhibit A to the Unfettered Sale Agreement is a true and correct copy
of the list of 5007 bottles of wine that are in the Debtor's warehouse that are not associated with
any customer sale order ("Unfettered Wine Bottles").

5. Attached as Schedule 3.1 to the Sale Agreement is a true and correct copy of the list of wines that are in the Debtor's warehouse that relate to one of the class members who have opted out of the Class Action. I was provided with the names of the persons who opted out of the class action, and then I prepared Schedule 3.1 by finding the wines that are in the warehouse that are associated with that person's orders. In some circumstances the wines are oversubscribed, that is that person's wines were allocated to multiple people in addition to the person opting out.

Attached as Schedule 3.2 to the Sale Agreement is a true and correct copy of the
list of wines that are in the Debtor's warehouse that relate to one of the class members who have

elected to redeem their bottles. I was provided with the names of the persons who redeemed their
 bottles and who were qualified to redeem the bottles, and then I prepared Schedule 3.2 by finding
 the wines that could be redeemed that are associated with that person's order(s).

7. Based upon my review of the wines listed in Schedules 3.1 and 3.2 and comparing
them to information that has been provided to me by the Trustee, which includes a per bottle price
offered by Spectrum Wine Auctions, I estimate that the actual sale price will be reduced by the
sum of \$276,646, when these bottles are removed from the sale.

8 8. I prepared the above referenced lists at the request and instructions of the Trustee,
9 relying on the Debtor's books and records prepared and maintained in the ordinary course of
10 business, as of the date that the Debtor commenced this bankruptcy case on January 8, 2016, and
11 as modified by the West inventory..

I declare under penalty of perjury that the foregoing is true and correct, and that this
declaration was executed on July 27, 2016, at Berkeley, California.

∕s∕ Brian Nishi Brian Nishi

Wendel, Rosen, Black & Dean LLP 1111 Broadway, 24th Floor Oakland, California 94607-4036

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