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8  
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  
16 Debtor.

Case No. 16-40050-WJL

Chapter 7

**DECLARATION OF TRACY GREEN IN  
SUPPORT OF EX PARTE APPLICATION  
FOR ORDER AUTHORIZING BMC TO  
BE EXEMPT FROM PACER FEES IN  
THIS CASE**

17  
18 I, Tracy Green, declare:

19 1. I am a partner with the law firm of Wendel, Rosen, Black & Dean LLP ("Wendel  
20 Rosen"), and I am authorized to practice before this Court. The following facts are within my  
21 personal knowledge, and if called to testify, I could competently testify to the matters set forth  
22 herein below.

23 2. An Order for relief under Chapter 7 of Title 11 of the United States Code was  
24 entered herein pursuant to voluntary petition filed by the debtor on January 8, 2016. Michael G.  
25 Kasolas is the duly appointed, qualified and acting trustee of the debtor's estate ("Trustee").

26 3. There are over 9,250 parties who are listed on the Debtor's mailing matrix. On  
27 February 22, 2016, this Court authorized the Trustee to limit notice to creditors by mailing a  
28

1 notice to the creditors directing those who want to receive hard copies of mailings to file a Request  
2 for Notice with the Court, and for other creditors to request service by email.

3 4. In addition, the Trustee agreed to provide access to a website for creditors to review  
4 pleadings at their convenience. The Court authorized the Trustee to retain BMC to assist the  
5 Trustee to host the website to allow creditors and interested parties to review pleadings filed and to  
6 serve by mail or email copies of pleadings to creditors who requested service.

7 5. BMC needs access to the docket so that it can down load pleadings to be filed for  
8 posting on the case website and for serving the creditors by email.

9 6. As the Court is aware, there is a cost generated to download a pleading. Counsel  
10 for the Trustee has supplied BMC with copies of pleadings filed to date, but now that BMC is  
11 approved, the Trustee would like a more automatic system established so that BMC automatically  
12 obtains a copy of a pleading at no costs.

13 7. If BMC incurs a cost it would be passed on to the estate, and it would add a  
14 considerable expense to the estate over the life of this case. Therefore, the Trustee requests that  
15 BMC be allowed a Pacer Fee Exemption pursuant to the Electronic Public Access (EPA) Fee  
16 Schedule as noted on the Court's website.

17 8. The exemption is necessary to avoid unreasonable burden to this estate that would  
18 be incurred without the exemption. The purpose of the exemption request in this matter is to  
19 promote more public access to information, which is the stated purpose of the exemption. BMC  
20 will need access to all filings on the docket and the claims register (and claims) for the duration of  
21 this case, or such time as its services are terminated (which termination would be approved by the  
22 Court).

23 I declare under penalty of perjury under the laws of the State of California and the United  
24 States of America that the foregoing is true and correct and that this Declaration was executed in  
25 Oakland, California on February 26, 2016.

26  
27 /s/ Tracy Green  
Tracy Green