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11 (Pro Hac Vice Pending)

12 Attorneys for American Express Travel Related Services  
13 Company

14 UNITED STATES BANKRUPTCY COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 In re  
18 FOX ORTEGA ENTERPRISES, INC. d/b/a  
PREMIER CRU,  
19 Debtor.

Case No. 16-40050-WJL

Chapter 7

**NOTICE OF MOTION OF CREDITOR  
AMERICAN EXPRESS TRAVEL  
RELATED SERVICES COMPANY, INC.,  
PURSUANT TO FED. R. BANKR. P. 2004,  
FOR AN ORDER DIRECTING THE  
IMMEDIATE PRODUCTION OF CERTAIN  
DOCUMENTS BY THE CHAPTER 7  
TRUSTEE**

24 Date: March 30, 2016<sup>1</sup>  
25 Time: 10:30 a.m.  
26 Place: Courtroom 220  
1300 Clay Street,  
Oakland, CA 94612  
27 Judge: Hon. William J. Lafferty

28 <sup>1</sup> AmEx has filed concurrently-herewith an application for an order shortening time requesting a hearing date on or before March 3, 2016.

1           **TO DEBTOR, DEBTOR'S ATTORNEY, ALL PARTIES IN INTEREST, AND THE**  
2 **CHAPTER 7 TRUSTEE:**

3           **PLEASE TAKE NOTICE** that on March 30, 2016 at 10:30 a.m., in the United States  
4 Bankruptcy Court for the Northern District of California – Oakland Division, Courtroom 220,  
5 1300 Clay Street, Oakland, CA 94612, before the Honorable William J. Lafferty, United States  
6 Bankruptcy Judge, the Motion, Pursuant to Fed. R. Bankr. P. 2004, for An Order Directing the  
7 Immediate Production of Certain Documents By the Chapter 7 Trustee (the “Motion”) of Creditor  
8 American Express Travel Related Services Company, Inc. (“AmEx”) will come on for hearing.

9           **PLEASE TAKE FURTHER NOTICE** that AmEx has filed concurrently-herewith an  
10 application for an order shortening time requesting a hearing date on or before March 3, 2016.

11           The Motion seeks an order pursuant to Rule 2004 of the Federal Rules of Bankruptcy  
12 Procedure and Local Bankruptcy Rule 2004-1(a), requiring the immediate production of certain  
13 documents by the Chapter 7 Trustee to AmEx, containing information necessary for AmEx, within  
14 legally mandated deadlines, to investigate and determine the validity of millions of dollars of  
15 credit card chargeback requests that have already been submitted to AmEx, and that are expected  
16 to be submitted in large numbers in the foreseeable future, by former customers who purchased  
17 goods from the Debtor using “American Express” credit cards, but now contend, among other  
18 things, that they never received the goods for which they paid.

19           The Motion is based on the Notice of Motion, Memorandum of Points and Authorities, and  
20 Declaration of Angelo Impoco, each filed concurrently-herewith, and such other papers and  
21 pleadings and arguments of counsel as may be presented to the Court at or before the hearing on  
22 the Motion.

23           **PLEASE TAKE FURTHER NOTICE** that pursuant to the Local Bankruptcy Rule 9014-  
24 1(c) any opposition to the Motion shall be filed and served on the initiating party at least 14 days  
25 prior to the actual scheduled hearing date.

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1 Dated: February 26, 2016

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
WILLIAM W. HUCKINS  
THOR D. MCLAUGHLIN

4 By: /s/William W. Huckins

WILLIAM W. HUCKINS  
Attorneys for American Express Travel  
Related Services Company

7 Dated: February 26, 2016

ARNALL GOLDEN GREGORY LLP  
DARRYL S. LADDIN  
FRANK N. WHITE

10 By: /s/ Darryl S. Laddin

DARRYL S. LADDIN  
Attorneys for American Express Travel  
Related Services Company

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