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11 (Pro Hac Vice Pending)  
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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

**DECLARATION OF DARRYL S. LADDIN  
IN SUPPORT OF EX PARTE  
APPLICATION FOR ORDER  
SHORTENING TIME TO HEAR:  
  
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**

Judge: Hon. William J. Lafferty

1 I, Darryl S. Laddin, declare as follows:

2 1. I am a Partner and chairman of the Bankruptcy, Creditors' Rights and Financial  
3 Restructuring Practice at the law firm of Arnall Golden Gregory LLP ("Arnall Golden"), counsel  
4 for Creditor American Express Travel Related Services Company, Inc. ("AmEx") in this matter.  
5 This declaration is submitted in support of AmEx's *Ex Parte* Application ("Application") For  
6 Order Shortening Time To Hear: Motion of Creditor American Express Travel Related Services  
7 Company, Inc., Pursuant to Fed. R. Bankr. P. 2004, For an Order Directing the Immediate  
8 Production of Certain Documents By the Chapter 7 Trustee ("Motion"), filed concurrently  
9 herewith. I have personal knowledge of the following facts. If called upon to testify in this  
10 proceeding as to the matters set forth in this declaration, I could and would competently testify  
11 thereto.

12 2. AmEx is requesting that the Court hear its Motion on shortened time because it needs to  
13 obtain from the Trustee, on an urgent basis, information necessary to investigate and determine the  
14 validity of millions of dollars of credit card chargeback requests that have already been submitted  
15 to AmEx, and that are expected to be submitted in large numbers in the foreseeable future, by  
16 former customers who purchased goods from the Debtor using "American Express" credit cards,  
17 but now contend, among other things, that they never received the goods for which they paid

18 3. If heard on regular notice, based on the Court's open calendaring system, the Motion would  
19 be heard on March 30, 2016, by which time deadlines for investigating and responding to  
20 chargeback requests submitted by many of the Debtor's customers will have expired, inhibiting  
21 AmEx from challenging any such requests that may not be supported by the facts, and possibly  
22 resulting in significant liability to AmEx that could have been prevented and, in turn, additional  
23 and unnecessary claims against the estate to the detriment of all unsecured creditors.

24 4. I will be traveling from Atlanta, Georgia or elsewhere to attend the hearing on the Motion  
25 on behalf of AmEx.

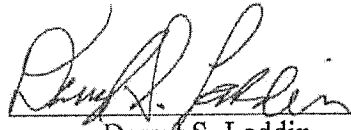
26 5. There have been no prior time modifications related to the subject of the request.  
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1       6. Shortening time will assist in expediting the case's schedule as it will allow AmEx to  
2 determine whether or not such chargebacks are legitimate and the amount of AmEx's claim against  
3 the estate.

4       7. AmEx's attorneys have not contacted the Trustee's counsel regarding a stipulation to  
5 shorten time because, pursuant to Local Rule 9006-1(b), the Motion is required to be filed and set  
6 for hearing under Local Rule 9014-1(a) and the shortening of time would alter a hearing date  
7 under the Court's open calendaring system.

8       I declare under penalty of perjury under the laws of the United States of America that the  
9 foregoing is true and correct.

10       Executed on February 26, 2016, at Atlanta, Georgia.

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13       Darryl S. Laddin  
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