

1 Michael D. Cooper (Bar No. 42761)
Mark S. Bostick (Bar No. 111241)
2 Elizabeth Berke-Dreyfuss (Bar No. 114651)
Tracy Green (Bar No. 114876)
3 **WENDEL, ROSEN, BLACK & DEAN LLP**
1111 Broadway, 24th Floor
4 Oakland, California 94607-4036
Telephone: (510) 834-6600
5 Fax: (510) 834-1928
Email: mcooper@wendel.com;
6 mbostick@wendel.com;
edreyfuss@wendel.com;
7 tgreen@wendel.com

8 [proposed] Attorneys for Michael G. Kasolas,
Trustee

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

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

Case No. 16-40050-WJL
Chapter 7

**DECLARATION OF TRACY GREEN IN
SUPPORT OF PRELIMINARY
APPLICATION FOR ORDER
AUTHORIZING TRUSTEE TO PAY
URGENT AND NECESSARY
ADMINISTRATIVE CLAIMS TO
PROTECT ASSETS OF THE ESTATE
AND TO USE CASH COLLATERAL**

Date: January 25, 2016
Time: 3:30 p.m.
Place: Courtroom 220
1300 Clay Street
Oakland, CA
Judge: The Hon. William J. Lafferty, III

24 I, Tracy Green, declare:

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

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2. On January 22, 2016, I notified Paul Pascuzzi of Felderstein, Fitzgerald, Willoughby & Pascuzzi, counsel for Community Bank of the Bay, and advised him that we intended to ask the court to hear the motion for use of cash collateral on Monday January 25, 2016 at 3:30 pm. Mr. Pascuzzi indicated that the CBC consented to having the hearing for use of cash collateral for the purposes stated in the motion on Monday at 3:30 p.m., if he can appear by telephone.

3. Attached hereto as **Exhibit A** is a true and correct copy of the proposed order that the Trustee is asking the Court to sign.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and that this Declaration was executed in Oakland, California on January 22, 2016.

/s/ Tracy Green
Tracy Green

Fox Ortega Enterprises, Inc. dba Premier Cru, Debtor
Case No. 16-40050-WJL-7

EXHIBIT A
TO
DECLARATION OF TRACY GREEN

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& DEAN LLP
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Fax: (510) 834-1928
6 Email: mcooper@wendel.com;
mbostick@wendel.com;
7 edreyfuss@wendel.com;
tgreen@wendel.com

8 [proposed] Attorneys for Michael G. Kasolas,
9 Trustee

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

14 In re
15 FOX ORTEGA ENTERPRISES, INC.,
16 dba PREMIER CRU,
17 Debtor.

Case No. 16-40050-WJL
Chapter 7

**ORDER AUTHORIZING TRUSTEE TO
PAY URGENT AND NECESSARY
ADMINISTRATIVE CLAIMS TO
PROTECT ASSETS OF THE ESTATE
AND TO USE CASH COLLATERAL**

Date: January 25, 2016
Time: 3:30 p.m.
Place: 1300 Clay Street
Courtroom 220
Oakland, CA
Judge: The Hon. William J. Lafferty

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24 The Court held a preliminary hearing on the motion of Michael G. Kasolas, trustee
25 (“Trustee”), for authorization to pay urgent and necessary administrative claims to protect assets
26 of the Estate on the above date and time. Tracy Green appeared on behalf of the Trustee and such
27 other appearances were made as may have been noted on the record. The Court being satisfied
28 that payment of the urgent and necessary administrative claims are in the best interests of the

1 Estate and creditors until the assets are disposed of, and for good cause appearing,

2 IT IS HEREBY ORDERED that:

3 1. The Trustee is authorized to pay all utilities, including PG&E to maintain the
4 proper temperature in the premises to protect the wine inventory and to operate the necessary
5 computer systems, estimated not to exceed \$4,500 a month.

6 2. The Trustee is also authorized to pay Bay Alarm to maintain the current alarm
7 system, and Bay Alarm is hereby directed to change any and all passwords at the Trustee's
8 direction, if not changed as of the date of this Order.

9 3. The Trustee is authorized to pay for internet services, domain name services and
10 web host fees.

11 4. The Trustee is authorized to pay the sum of \$16,280 for Besso Limited Cargo
12 Insurance policy attached to the Declaration of Michael Kasolas.

13 5. The Trustee is authorized to pay up to the sum of \$3,497.50 for property and
14 premises liability insurance.

15 6. The Trustee may use the cash collateral of Community Bank of the Bay, which is
16 adequately protected by a large equity cushion.

17 7. A final hearing will be held on _____.

18 APPROVED AS TO FORM AND CONTENT:

19 FELDERSTEIN, FITZGERALD, WILLOUGHBY
20 & PASCUZZI LLP

21 By _____
22 Paul J. Pascuzzi
23 Attorneys for Community Bank of the Bay

24 ****END OF ORDER****

COURT SERVICE LIST

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ECF Recipients.

ORDER AUTH. TRUSTEE TO PAY URGENT AND
NECESSARY ADMIN. CLAIMS TO PROTECT ASSETS OF
THE ESTATE AND TO USE CASH COLLATERAL

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