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7 [Proposed] Attorneys for Michael G. Kasolas,  
Trustee

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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.  
17

Case No. 16-40050-WJL

Chapter 7

**DECLARATION OF MARK S. BOSTICK IN  
SUPPORT OF EX PARTE MOTION FOR  
TURNOVER ORDER**

18  
19 I, Mark S. Bostick, declare:

20 1. I am a partner with the law firm of Wendel, Rosen, Black & Dean LLP (“Wendel  
21 Rosen”), and I am authorized to practice before this Court. The following facts are true of my  
22 own personal knowledge and if called upon to do so, would and could competently testify thereto,  
23 except as to those matters that are alleged upon information and belief and as to those matters, I  
24 believe them to be true. I make this declaration in support of the trustee’s Ex Parte Motion for  
25 Turnover Order.

26 2. In the course of the trustee’s investigation and effort to secure, copy, preserve and  
27 understand the debtor’s record keeping system, the trustee and I discovered that John Fox  
28 maintained a separate computer at the debtor’s business premises on which he maintained a

1 separate email and document files. Based on our investigation, we believe that certain of the  
2 debtor's purchase orders, future contracts, and vendor payments, as well as credit and refund  
3 records, are kept on Mr. Fox's emails that are unique to that computer and are not part of the  
4 debtor's computer accounting systems. In other words, that computer (or computers) should  
5 contain the best information to determine "where the money went" (or didn't go) with respect to  
6 tens of millions of dollars of future contracts, among other transactions.

7 3. We discovered this information late Tuesday, January 26. I made demand on Mr.  
8 Finestone, the debtor's counsel, and Mr. Robert Breakstone, Mr. Fox's personal counsel for  
9 immediate turnover and they indicated he would comply. However, despite repeated requests, it  
10 was not produced yesterday. Therefore, immediate court intervention is necessary.

11 I declare under penalty of perjury that the foregoing is true and correct, and that this  
12 declaration was executed on January 28, 2016, at Oakland, California.

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14  
15 /s/ Mark S. Bostick  
16 Mark Bostick