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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 Debtor.

Case No. 16-40050-WJL

Chapter 7

**DECLARATION OF MICHAEL G.
KASOLAS IN SUPPORT OF APPLICATION
FOR APPOINTMENT OF BMC GROUP, INC.**

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I, Michael G. Kasolas, declare:

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1. I am the duly appointed and acting trustee of the above-captioned chapter 7

bankruptcy estate. The following facts are true of my own personal knowledge and if called upon to do so, would and could competently testify thereto, except as to those matters that are alleged upon information and belief and as to those matters, I believe them to be true. I make this declaration in support of my Application for Appointment of BMC Group, Inc. ("BMC") I seek to employ to assist me.

2. An Order for relief under Chapter 7 of Title 11 of the United States Code was entered herein pursuant to voluntary petition filed by the debtor on January 8, 2016.

1 3. There are over 9,250 parties who are listed on the Debtor's mailing matrix. I need
2 assistance with communicating with the creditors via electronic mail, and establishing a website
3 where creditors can review the pleadings filed, and if necessary other information that I may
4 choose to post, such as answers to Frequently Asked Questions. In addition, given the large
5 number of creditors listed on the mailing matrix, I need assistance in mailing copies of notices
6 when required to be mailed to all creditors and in organizing and processing the claims for review
7 and communicating with those creditors, should an objection be necessary, and eventually
8 preparing and mailing checks and related tax documents.

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10 4. Attached as Exhibit A to the Declaration of Tinamarie Feil in Support of
11 Application for Appointment of BMC Group, Inc. filed concurrently herewith is a true and correct
12 copy of an Agreement for Services which is the contract that I seek authority to sign.

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14 5. I interviewed other companies, and after a thorough review, I believe that it is in
15 the best interest of the estate to retain the services of BMC who has agreed to provide services as
16 set forth in more detail in the Agreement for Services.

17 6. Of particular note, BMC has agreed to waive the requirement of a retainer and has
18 agreed to provide services, and delay being compensated for costs (such as postage) until such
19 time as I have sufficient funds to pay said costs. This is critical since as the court is aware, there is
20 very little cash in this estate at this time, yet the need for BMC's services is immediate.

21 7. BMC has agreed to be paid its invoice (when there are sufficient funds in the
22 estate) on a monthly basis not to exceed \$12,000 a month. In the event such fees exceed \$12,000 a
23 month, BMC will file a periodic application for approval of such fees. The \$12,000 fee was
24 arrived at because that is the approximate amount that it would cost the estate for two mailings of
25 hard copies of documents to all creditors.

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27 8. To the best of the my knowledge, I believe and based thereon allege, that BMC and
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