1	Mark S. Bostick (Bar No. 111241) Elizabeth Berke-Dreyfuss (Bar No. 114651)					
2	Tracy Green (Bar No. 114876)					
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4	Oakland, California 94607-4036 Telephone: (510) 834-6600					
5	Fax: (510) 834-1928 Email: mbostick@wendel.com;					
6	edreyfuss@wendel.com; tgreen@wendel.com					
7	Attorneys for Michael G. Kasolas, Trustee					
8	UNITED STATES BANKRUPTCY COURT					
9	NORTHERN DISTRICT OF CALIFORNIA					
10	OAKLAND DIVISION					
11						
12	In re	Case No	o. 16-40050-WJL			
13	FOX ORTEGA ENTERPRISES, INC., dba PREMIER CRU,	Chapter	7			
14	Debtor.	RESPO	ARATION OF BRIAN NISHI IN NSE TO COURT MEMORANDUM RDING ESTATE'S OBLIGATIONS			
15	Deotor.					
16		Date: Time:	May 2, 2016 1:00 p.m.			
17		Place:	Courtroom 220 1300 Clay Street			
18			Oakland, CA			
19		Judge:	William J. Lafferty, III			
20	I, Brian Nishi, declare:					
21	1. I am a former employee of Fox Ortega Enterprises, Inc., dba Premier Cru and have					
22	been retained to assist the Trustee by preparing reports as requested by the Trustee or his counsel.					
23	The following facts are true of my own personal knowledge and if called upon to do so, would and					
24	could competently testify thereto, except as to those matters that are alleged upon information and					
25	belief and as to those matters, I believe them to be true.					
26	2. As previously stated in earlier declarations I am familiar with the Debtor's ordinary					

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information was kept electronically, what reports can be generated, and what material information

business practices and how business records were created and maintained, and know what

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is not in the electronic records, such as the status of certain pending purchase orders. I also know how the Debtor maintained its records, who had access to change the records, and how the business records were used and maintained in the ordinary course of business.

- 3. The Trustee asked me to review the Debtor's business records to determine, to the best of my ability, the number of customers claims by certain categories and the sale order value of those related categories.
  - 4. Based on my review of the Debtor's records, I calculated that:
- There is approximately \$44,885,025 in wine orders where there are no bottles in the warehouse associated with those orders. This can be broken down as follows. Note that value or worth refers to the sale order price.
- (b) There are 2,319 customers who have no portion of their wine orders in the warehouse. Those orders represent approximately 24,474 bottles, with a value of \$4,146,230.
- (c) There are 2364 customers who have wines orders that are either not in the warehouse or oversubscribed. Those customers' orders represent approximately 122,400 bottles that are not in the warehouse, worth \$23,518,202, and 49,934 bottles in the warehouse that are oversubscribed wines, worth \$10,194,314;
- (d) There are 1,962 customers whose wine orders fall into the oversubscribed category and general inventory, but who also have wine orders not in the warehouse. The value of their wine that is not in the warehouse is \$17,220,593 associated with 119,805 bottles, and there are 38,965 bottles that are in general inventory worth \$2,515,438 and 60,539 bottles in oversubscribed worth \$7,479,463.
- There are approximately \$18,877,369 in wine orders against the (e) oversubscribed bottles in the warehouse worth between \$2-\$3 million (based on sale order price).

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on April 29, 2016, at Oakland, California.

/s/ Brian Nishi	
Brian Nishi	

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1 2 3 4 5 6	Mark S. Bostick (Bar No. 111241) Elizabeth Berke-Dreyfuss (Bar No. 114651) Tracy Green (Bar No. 114876) WENDEL, ROSEN, BLACK & DEAN LLI 1111 Broadway, 24 <sup>th</sup> Floor Oakland, California 94607-4036 Telephone: (510) 834-6600 Fax: (510) 834-1928 Email: mbostick@wendel.com; edreyfuss@wendel.com; tgreen@wendel.com	P				
7	Attorneys for Michael G. Kasolas, Trustee					
8						
9	UNITED STATES BANKRUPTCY COURT					
10	NORTHERN DISTRICT OF CALIFORNIA					
11	OAKLAND DIVISION					
12						
13	In re	Case No	o. 16-40050-WJL			
14	FOX ORTEGA ENTERPRISES, INC., dba PREMIER CRU,	Chapter 7				
15	, , , , , , , , , , , , , , , , , , , ,	CERTI	FICATE OF SERVICE			
16	Debtor.	Date: Time:	May 2, 2016 1:00 p.m.			
17		Place:	Courtroom 220 1300 Clay Street			
18		Judge:	Oakland, CA The Hon. William J. Lafferty, III			
19			<b>3</b> 7			
20	I, Pam Joakimson, declare:					
21	I am a citizen of the United States and am employed in the County of Alameda. I am over					
22	the age of 18 years and not a party to the within-entitled action. My business address is 1111					
23	Broadway, 24th Floor, Oakland, California, 94607-4036.					
24	On February 29, 2016, I caused to be served the following document(s):					
25	DECLARATION OF BRIAN NISHI IN RESPONSE TO					
26	COURT MEMORANDUM REG	SAKDIN(	5 ESTATE'S OBLIGATIONS			
27	[X] by ECF to registered participants:					
28						

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

Executed on February 29, 2016, at Oakland, California.

/s/ Pam Joakimson Pam Joakimson