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6 [Proposed] Counsel for Official Committee of Unsecured Creditors

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UNITED STATES BANKRUPTCY COURT

9

CENTRAL DISTRICT OF CALIFORNIA

10

LOS ANGELES DIVISION

11

in re

) Case No. LA 08-13518 SB

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ESTYLE, INC., a Delaware corporation, dba
babystyle, Cadeau, and Cadeau Designs,

) Chapter 11

13

Debtor.

) **OFFICIAL COMMITTEE OF UNSECURED
CREDITORS' LIMITED OPPOSITION TO
DEBTOR'S MOTION PURSUANT TO SECTION
363(C) OF THE BANKRUPTCY CODE AND
RULE 4001(C) OF THE FEDERAL RULES OF
BANKRUPTCY PROCEDURE FOR ITS FINAL
ORDER AUTHORIZING USE OF CASH
COLLATERAL**

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Date: April 17, 2008

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Time: 2:00 p.m.

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Place: Ctrm "1575"

21

255 E. Temple Street
Los Angeles, CA 90012

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23 **TO THE HONORABLE SAMUEL L. BUFFORD, UNITED STATES BANKRUPTCY JUDGE, THE DEBTOR,**

24 **ITS COUNSEL OF RECORD AND ALL OTHER INTERESTED PARTIES:**

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The Official Committee of Unsecured Creditors (the "Committee") in the above-captioned Chapter 11

26

case filed by eStyle, Inc., a Delaware corporation dba babystyle, Cadeau and Cadeau Designs, debtor and

27

debtor-in-possession (the "Debtor"), hereby responds to the Debtor's Motion Pursuant to Section 363(c) of the

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1 Bankruptcy Code and Rule 4001(c) of the Federal Rules of Bankruptcy Procedure for its Final Order
2 Authorizing Use of Cash Collateral (Docket No. 13) (the "Motion") as follows:

3 **I. INTRODUCTION**

4 On April 10, 2008, the Office of the United States Trustee ("OUST") formed the Committee and
5 appointed Committee counsel, subject to Court approval. The Committee hereby submits its initial response
6 to Debtor's Motion wherein the Debtor seeks an order granting final authority for use of cash collateral in
7 accordance with the Debtor's "Budget."¹ The Committee respectfully reserves its right to further respond at the
8 hearing on the Motion.

9 This chapter 11 bankruptcy case was filed less than 30 days ago. The Committee therefore supports
10 the use of cash collateral, but conditions its support based upon an Order requiring that the Debtor modify the
11 Budget to provide for the Committee's professional fees and expenses. The Committee needs to make sure
12 that there is a level playing field.

13 The proposed Budget does not currently provide any protection to the Committee. Under the
14 Debtor's Budget (Exhibit "1"), it has no line item expense allocated for the Committee. It does, however,
15 provide for the Debtor's professionals and expenses. In fact, the Stipulation achieved between the Debtor
16 and the junior lienholders (set for hearing on April 29th) is specific in that it only seeks a carve-out for the
17 Debtor and its professionals.

18 It appears Debtor's counsel received a \$350,000 pre-petition retainer. That is, from March 23, 2008
19 through May 10, 2008, the Budget provides \$50,000 per week as a "Payment from prior retainer" (see Exhibit
20 "1", Budget, Memo 8) (i.e., \$50,000 * 7 weeks). Then, beginning May 11, 2008 through June 21, 2008, the
21 Budget provides a line item expense for "Administrative fees" in the amount of \$30,000 per week. The
22 \$30,000 weekly expense begins after the Debtor's professional's retainer is depleted to zero over the first
23 seven (7) weeks of the case, while allocating nothing for the Committee.

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26 ¹ The proposed Budget that the Committee believes to be applicable is the budget that was attached
27 to the Order authorizing interim use of cash collateral entered on or about March 26, 2008. A true and correct
28 copy of this Budget is attached hereto as Exhibit "1" and it is incorporated herein by this reference. The
Budget is also a defined term in the Motion (see Motion, p.5:1-3").

1 Based upon the foregoing, and as further discussed below, the Committee respectfully requests that
2 the Court approve the Debtor's use of cash collateral conditioned on (i) a post-petition retainer being tendered
3 to the Committee for its professionals' fees and expenses to be held in trust (and only drawn down upon after
4 Court approval), and/or (ii) the formation of a segregated account that the Debtor is required to fund with a
5 sum certain allocated for the Committee's professionals' fees and expenses.

6 While the Committee supports the granting of Debtor's Motion, the additional time will allow the
7 Committee to further investigate certain other line items in the Budget: (1) "Corporate/Homebase." This
8 defined term in the Budget states it incorporates professional fees, yet there is another line item entitled
9 "Administrative Fees" which is also for professional fees; (2) the Debtor has served three Notices of Insider
10 Compensation (likely incorporated into the "Salaries, Wages, Benefits" line item) for three officers receiving
11 collective annual salaries slightly under \$1 million (the necessity of all of these officers at the requested salary
12 is being reviewed by the Committee as well); (3) "Marketing" line item separate and apart from "direct mail."
13 What does this marketing consist of, is it the same as the prepetition marketing and has this marketing proven
14 effective?

15 II. STATEMENT OF RELEVANT FACTS

16 1. On March 19, 2008, the Debtor commenced this bankruptcy case by the filing of a voluntary
17 petition under Chapter 11 (the "Petition Date").

18 2. On or about March 21, 2008, pursuant the Debtor's "emergency first day motions," the Court
19 authorized, among other things, the Debtor's interim use of cash collateral (the "Interim Cash Collateral
20 Order"). The final hearing on the Debtor's Motion for a final order authorizing its use of cash collateral is set
21 for hearing on April 17, 2008 at 2:00 p.m.

22 3. On April 10, 2008, the Committee was formed pursuant to a meeting held by the Office of the
23 United States Trustee ("OUST").

24 4. On April 10, 2008, Landsberg Margulies LLP was appointed by the OUST as the proposed
25 counsel to the Committee.

26 5. The Motion seeks final authority for use of cash collateral in accordance with the "Budget",
27 which Budget is a defined term in the Motion (see Motion, p.5:1-3"). (See Budget, Exhibit "1" hereto)

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1 B. The Budget Should Include Payment for the Committee's Professionals' Fees and Costs.

2 The Budget connected to the Motion provides for payment of \$50,000 per week from a pre-petition
3 retainer from the Petition Date through May 10, 2008,² and then \$30,000 per week for "Administrative fees"
4 through June 21, 2008. "Administrative Fees" are not defined. The Committee assumes the \$30,000 per
5 week is the replacement for the \$350,000 (\$50,000 per week for 7 weeks) depleted retainer to be utilized by
6 the Debtor's professionals only. Even if the Debtor submits that the \$30,000 is to be shared by all
7 professionals, there are no assurances that the Committee shall receive these funds (notwithstanding Court
8 approval) and this line item only commences in May 2007 while the Debtor's professionals continue to be
9 protected by the \$350,000 prepetition retainer.

10 The Committee is the only administrative professional that is not covered by a pre-petition retainer.
11 Moreover, while the dispute with Wachovia continues, the Debtor and the second priority secured lenders
12 (see f.n.2, *supra*) have reached a Stipulation for a carve-out merely for the Debtor and the Debtor's
13 professionals.³

14 The Committee submits that the Order on the pending Motion should include a requirement to
15 provide a post-petition retainer to the Committee for its professionals fees and costs (subject to Court
16 approval), and/or the formation of a segregated account that the Debtor is required to fund with a sum certain
17 allocated for the Committee's professionals' fees and expenses. The only way the Committee can be assured
18 a voice in this case, on a level playing field with the Debtor's professionals, is a requirement to be included in
19 the Budget along with the Debtor's professionals.

20 C. The Secured Creditors Are Adequately Protected.

21 As provided in detail in the Motion and the Debtor's reply to the opposition filed by Wachovia Capital
22 Finance Corporation ("Wachovia"), Wachovia and the second priority secured lenders (collectively, the
23 "Secured Parties")⁴ are adequately protected by a sizeable equity cushion, and, if necessary, a replacement
24

25 ² The Budget and Motion are unclear what these funds are to be utilized for, but the Committee
presumes it is the Debtor's professionals only.

26 ³ The hearing on the Debtor's motion for an order approving the Stipulation is April 29, 2008. The
Debtor hereby opposes approval of the Stipulation without including a carveout in an amount to be determined
27 for the Committee's professional's fees and costs.

28 ⁴ The Committee reserves any and all rights to object to the alleged secured claims in this case, and
merely makes such references for ease of this Response.

1 lien on the Debtor's assets to the extent of any diminution in value of their collateral. Thus, payment of the
2 administrative expenses, including those of the Committee, should be authorized through the use of cash
3 collateral.

4 **IV. CONCLUSION**

5 **WHEREFORE**, the Committee hereby respectfully requests that this Court approve the Motion for use
6 of cash collateral on a final basis conditioned as provided above to assure protections to the Committee, and
7 for such other and further relief as this Court deems just and proper.

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9 Dated: April 17, 2008

LANDSBERG MARGULIES LLP

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11 By: /s/ Craig G. Margulies
12 CRAIG G. MARGULIES
13 [Proposed] Counsel for Official Committee of
14 Unsecured Creditors
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1 **DECLARATION OF RONALD M. TUCKER**

2 1. I am a Senior Commercial Law Attorney with Simon Property Group, Inc., the Chair of the
3 Official Committee of Unsecured Creditors (the "Committee") in the Chapter 11 case of ESTYLE, INC., a
4 Delaware corporation, dba babystyle, Cadeau, and Cadeau Designs. As such, I have personal knowledge of
5 the facts attested hereto or have gained such knowledge by review of the files and bankruptcy docket in this
6 bankruptcy case.

7 2. The Committee has reviewed the Official Committee of Unsecured Creditors Limited
8 Opposition to Debtor's Motion Pursuant to Section 363(c) of the Bankruptcy Code and Rule 4001(c) of the
9 Federal Rules of Bankruptcy Procedure for its Final Order Authorizing Use of Cash Collateral and support the
10 relief requested therein.

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

13 Executed this 17th day of April, 2008 in Indianapolis, Indiana.

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15 /s/ Ronald M. Tucker
16 Ronald M. Tucker, Chair
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EXHIBIT "1"

eStyle, Inc.
Cash Collateral Model
April

	Week 1 3/23-3/29	Week 2 3/30-4/05	Week 3 4/06-4/12	Week 4 4/13-4/19	Week 5 4/20-4/26	MTD	Pre-petition Items tested wk4 (not made)	Pre-petition liab prints moved to wks (for discussion)
Net Cash Receipts from DTC Sales	\$336,349	\$326,790	\$372,140	\$410,272	\$391,384	\$1,836,935		
Liquidation receipts from warehouse/jobber	\$0	\$0	\$0	\$41,500	\$41,500	\$83,000		
Net Cash Receipts from Retail Sales	\$388,505	\$439,479	\$453,863	\$425,405	\$453,887	\$2,161,140		
Liquidation receipts from 8 stores****	\$110,648	\$175,111	\$171,510	\$153,922	\$154,445	\$765,536		
Net Cash Receipts Total DTC & Stores	\$835,501	\$941,380	\$997,513	\$1,031,100	\$1,041,217	\$4,846,710		
Other Cash Receipts								
List Rental & Misc Receipts, chase reserve*	(219,500)	0	-	-	-	(239,000)		
Cash Payments:								
Inventory	-	286,431	323,928	190,430	178,903	979,292		
UPS Freight Services (Imports)	64,000	40,866	67,780	47,790	128,150	366,386		80,000
Packing/Kit Supplies & Domestic Freight In	9,505	11,564	12,099	11,776	12,089	57,015		
DTC Shipping (UPS & USPS)	32,000	29,017	33,044	40,115	78,304	212,480		39,888
New Breed/Bergen (Distribution center)	42,809	42,689	45,805	49,246	89,105	269,534		40,000
Freight to Stores	5,522	6,778	6,919	6,409	6,730	32,378		
Salaries, Wages, Benefits	39,333	400,000	43,000	400,000	27,333	909,667	25,000	
Credit Card Processing***	19,718	22,011	23,426	24,482	24,628	114,267		
Rent	453,443	-	52,000	28,800	-	505,443	13,000	
Direct Mail	-	-	51,000	28,800	-	104,800		
Marketing	8,644	8,166	10,000	20,657	30,385	70,769		
Technology & CAPEX & CAP Leases	45,235	34,013	117,558	127,735	23,981	86,462	8,000	
Corporate/homebase****	30,853	37,595	28,289	49,908	166,945	388,662	17,000	
Retail Store Expenses*****	47,000	67,000	-	-	159,000	272,000	80,000	58,000
Sales & Use Tax	-	-	-	-	-	-		
Administrative fees (see memo# 8 below)	-	-	-	-	-	-		
Total Cash Payments	\$787,893	\$985,921	\$835,205	\$1,030,080	\$1,014,865	\$4,653,734	197,000	217,866
Net Cash Flow	(\$171,862)	(\$44,541)	\$162,308	\$1,920	\$7,052	(\$46,023)		
Roll forward B/S cash (beg of wk)	1,272,483	1,040,631	996,091	1,158,398	1,159,418	Started with cash in bank + \$473k sweep return		
+- Cash flow	(171,862)	(44,541)	162,308	1,020	7,052			
End of wk B/S cash cost	1,040,631	989,091	1,158,398	1,159,418	1,166,470			
Memor:								
1. Ending inventory	6,728,968	6,602,979	6,708,733	6,490,791	6,189,756			
2. Inventory @ retail (60.3% mark-up)	17,091,014	17,278,995	17,039,618	16,486,064	15,721,461			
3. Orderly liquidation @35% of retail	6,007,283	6,073,358	5,989,218	5,784,650	5,525,901			
4. Warehouse collateral inventory equity	3,653,414	3,719,487	3,635,349	3,440,781	3,772,032			
5. A/R Equity value	381,960	440,994	505,630	504,430	665,967			
6. Other estimated collateral (F&E, equip, etc.)	300,000	300,000	300,000	300,000	300,000			
7. Warehouse total collateral equity (4+5+6)	4,335,373	4,460,480	4,440,979	4,245,210	4,138,000			
8. Payment from prior retailer (not in model)	50,000	50,000	50,000	50,000	50,000			
9. Beginning of month inventory at cost	6,792,227							

1. Assume we regain access to \$59k (Thurs) & \$112k (Fri) and \$304k (Wed)

Abbreviations:
DTC is short for Direct to consumer, CAPEX is short for capital expenditures, CAP leases is short for Capital leases
Placeholder reserves estimated increase processor withhold additional funds (not anticipated as necessary)
** Corporate/homebase includes non-payroll overhead expenses such as insurance, employee expense reports, temp help, professional fees, samples, office supplies
***Credit card processing fees are deducted from cash payments received
**** Liquidation sales for Cadeau (Los Angeles) my happen in either the warehouse or in Cadeau (New York)
***** Retail store expenses include \$25k/store for 6 closing stores spread week 3 thru week 5



eStyle, Inc.
Cash Collateral Model

May

	Week 1 4/27-5/03	Week 2 5/04-5/10	Week 3 5/11-5/17	Week 4 5/18-5/24	MTD
Net Cash Receipts from DTC Sales	\$346,485	\$392,447	\$356,749	\$425,362	\$1,521,033
Net Cash Receipts from Retail Sales	\$529,513	\$542,816	\$503,761	\$457,596	\$2,033,687
Net Cash Receipts Total DTC & Stores	\$875,998	\$935,264	\$860,511	\$882,948	\$3,554,720
Other Cash Receipts	-	-	-	99,145	99,145
List Rental & Misc Receipts, chase reserve*	-	-	-	-	-
Cash Payments:					
Inventory	409,643	251,264	208,669	349,426	1,219,002
UPS Freight Services (Imports)	79,245	17,724	4,206	68,733	169,807
Packing/Gift Supplies & Domestic Freight in	9,439	10,413	9,060	9,144	38,056
DTC Shipping (UPS & USPS)	31,722	37,556	33,025	41,732	144,035
New Bread/Bergen (Distribution center)	44,713	48,078	44,429	47,073	184,294
Freight to Stores	5,858	6,005	5,573	5,062	22,489
Salaries, Wages, Benefits	329,730	11,638	332,730	20,971	695,068
Credit Card Processing***	20,713	22,208	20,415	21,194	84,529
Rent	399,599	52,000	-	-	451,599
Direct Mail	2,250	2,250	2,250	2,250	9,000
Marketing	10,258	10,258	10,258	10,258	41,034
Technology & CAPEX & CAP Leases	10,872	13,398	11,424	15,168	50,862
Corporate/Homebase**	53,479	56,851	24,232	29,266	163,828
Retail Store Expenses	24,092	24,472	3,354	2,033	53,951
Sales & Use Tax	90,000	-	-	210,455	300,455
Administrative fees (see memo# 8 below)	-	-	30,000	30,000	60,000
Total Cash Payments	1,521,612	564,115	739,627	862,765	3,688,118
Net Cash Flow	<u>(\$645,613)</u>	<u>\$371,149</u>	<u>\$120,884</u>	<u>\$119,328</u>	<u>(\$34,253)</u>
Roll forward BIS cash (beg of wk)	1,166,470	520,856	892,005	1,012,889	1,012,889
+/- Cash flow	(645,613)	371,149	120,884	119,328	119,328
End of wk BIS cash test	<u>520,856</u>	<u>892,005</u>	<u>1,012,889</u>	<u>1,132,217</u>	<u>1,132,217</u>
Memo:					
1. Ending Inventory	6,142,419	6,067,103	6,025,358	5,968,555	
2. Inventory @ retail (60.3% mark-up)	15,601,229	15,409,932	15,303,904	15,159,629	
3. Orderly liquidation @35% of retail	5,483,641	5,416,403	5,379,135	5,328,424	
4. Wachovia collateral inventory equity	3,129,772	3,062,534	3,025,266	2,974,555	
5. A/R Equity value	415,371	445,340	409,381	425,510	
6. Other estimated collateral (P&E, equip, etc.)	300,000	300,000	300,000	300,000	
7. Wachovia total collateral equity (4+5+6)	3,845,143	3,807,874	3,734,647	3,700,065	
8. Payment from prior retainer (not in model)	50,000	50,000	-	-	

Abbreviations:

DTC is short for Direct to consumer; CAPEX is short for capital expenditures; CAP leases is short for Capital leases

*Placeholder reserve estimated increase processor withhold additional funds (not anticipated as necessary)

** Corporate/homebase Includes non-payroll overhead expenses such as insurance, employee expense reports, temp help, professional fees, samples, office supplies

*** Credit card processing fees are deducted from cash payments received

**** Cash collateral model (03-25-2008) includes \$150,000 for receipts in week 4 includes \$150,000 for receipts from sale of fixture etc for 6 closing stores

Note: There was uncertainty as to whether some checks had cleared at the time of preparing this cash collateral model. This is therefore an estimate of cash

eStyle, Inc.
Cash Collateral Model

June

	Week 1 5/25-5/31	Week 2 6/01-6/07	Week 3 6/08-6/14	Week 4 6/15-6/21	MTD
Net Cash Receipts from DTC Sales	\$319,567	\$334,895	\$306,892	\$367,225	\$1,328,579
Net Cash Receipts from Retail Sales	\$438,664	\$451,037	\$428,205	\$424,184	\$1,742,089
Net Cash Receipts Total DTC & Stores	\$758,231	\$785,931	\$735,097	\$791,409	\$3,070,669
Other Cash Receipts					
List Rental & Misc Receipts, chase reserve*				9,269	9,269

	Week 1 5/25-5/31	Week 2 6/01-6/07	Week 3 6/08-6/14	Week 4 6/15-6/21	MTD
Cash Payments:					
Inventory	289,850	260,647	224,561	278,865	1,053,922
UPS Freight Services (Imports)	39,383	39,383	39,383	52,776	170,926
Packing/Gift Supplies & Domestic Freight In	8,180	8,689	7,770	8,603	33,222
DTC Shipping (UPS & USPS)	33,221	35,167	31,612	39,270	139,270
New Breed/Bergen (Distribution center)	42,840	44,248	41,667	45,311	174,066
Freight to Stores	6,472	6,809	6,356	6,312	25,748
Salaries, Wages, Benefits	305,143	10,770	305,143	10,770	631,824
Credit Card Processing***	17,996	18,677	17,428	18,949	73,051
Rent	340,124	52,000	-	-	392,124
Direct Mail	2,250	2,250	2,250	2,250	9,000
Marketing	7,842	7,842	7,842	7,842	31,370
Technology & CAPEX & CAP Leases	11,937	12,783	11,238	14,545	50,503
Corporate/homebase**	66,725	67,850	35,795	40,222	210,593
Retail Store Expenses	21,863	22,217	1,564	1,448	47,092
Sales & Use Tax	145,000	-	-	29,373	174,373
Administrative fees	30,000	30,000	30,000	30,000	120,000
Total Cash Payments	1,368,827	619,112	762,610	586,536	3,337,085
Net Cash Flow	<u>(\$610,596)</u>	<u>\$166,818</u>	<u>(\$27,513)</u>	<u>\$214,142</u>	<u>(\$257,147)</u>

Roll Forward B/S cash (beg of wk)	1,132,217	521,621	688,440	660,928	
+/- Cash Flow	(610,596)	166,819	(27,513)	214,142	
End of wk B/S cash test	<u>521,621</u>	<u>688,440</u>	<u>660,928</u>	<u>875,070</u>	

Memo:

- Ending Inventory 5,950,193
- Inventory @ retail (60.3% mark-up) 15,112,990
- Orderly liquidation @35% of retail 5,312,031
- Wachovia collateral inventory equity 2,958,162
- A/R Equity value 366,741
- Other estimated collateral (F&E, equip, etc.) 300,000
- Wachovia total collateral equity (4+5+6) 3,624,903

Abbreviations:
DTC is short for Direct to consumer; CAPEX is short for capital expenditures; CAP leases is short for Capital leases

* Placeholder reserve estimated increase processor withholds additional funds (not anticipated as necessary)

** Corporate/homebase includes non-payroll overhead expenses such as Insurance, employee expense reports, temp help.

*** Credit card processing fees are deducted from cash payments received

Note: There was uncertainty as to whether some checks had cleared at the time of preparing this cash collateral model. This is therefore an estimate of cash

DEPARTMENT SUMMARY

	(a) Total On Hand Inventory Landed Cost Dollar Value	(b) Total On Hand Inventory @ Retail Value	(c) Estimated Recovery Percentage	(d) Estimated Recovery Dollars
Baby	\$ 1,377,424	\$ 3,859,445	35%	\$ 1,350,806
Kids	777,057	1,837,124	23%	484,281
Maternity	2,523,639	6,899,658	20%	1,379,932
Books	96,505	193,889	50%	96,844
Gear	1,013,642	1,788,026	65%	1,162,217
Home Decor	289,872	703,857	45%	348,736
Personal Care	36,763	139,931	40%	47,972
Toys	696,305	1,749,955	70%	1,224,969
Grand Total	\$ 6,792,227	\$ 17,251,985	35%	\$ 6,063,756

FOOTNOTES:

All values are estimates based on system quantity and costs provided by the Company's financial systems. Estimates of liquidation values are based on current market conditions which are subject to change due to conditions beyond the Company's control such as economic conditions and store traffic at malls.

- (a) Value of all units on hand, expressed in dollars at landed cost
- (b) Company's estimate of retail price based on marked up cost before discounts and promotions
- (c) Estimated recovery percentage from sale of inventory through a progressive mark-down sale on an orderly basis (90 days); recovery percentage before sale costs
- (d) Estimated recovery dollars from sale of inventory through a progressive mark-down sale on an orderly basis (90 days); recovery percentage before sale costs
- (e) Inventory number forecasted at cost as of end of March

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a
3 party to the within action. My business address is 16030 Ventura Boulevard, Suite 470, Encino, CA 91436.

4 On April 17, 2008 I served the within document(s) described as:

5 **OFFICIAL COMMITTEE OF UNSECURED CREDITORS' LIMITED OPPOSITION TO DEBTOR'S MOTION**
6 **PURSUANT TO SECTION 363(C) OF THE BANKRUPTCY CODE AND RULE 4001(C) OF THE FEDERAL**
7 **RULES OF BANKRUPTCY PROCEDURE FOR ITS FINAL ORDER AUTHORIZING USE OF CASH**
8 **COLLATERAL**

8 on the interested parties in this action on the attached service list:

9 (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as
10 set forth on the attached mailing list. I am readily familiar with this firm's practice for collection and
11 processing of correspondence for mailing. Under that practice it would be deposited with the U.S.
12 Postal Service on that same day with postage thereon fully prepaid in the ordinary course of
13 business. I am aware that on motion of the party served, service is presumed invalid if postal
14 cancellation date or postage meter date is more than one day after date of deposit for mailing
15 contained in affidavit. I declare under penalty of perjury under the laws of the State of California that
16 the foregoing is true and correct.

17 (BY EMAIL) By transmitting a true copy of the foregoing document(s) via email from this firm's email
18 address, to each interested party set forth below or on the attached mailing list. Said transmission(s)
19 were completed on the aforesaid date.

20 (BY FAX) By transmitting a true copy of the foregoing document(s) via facsimile transmission from
21 this firm's facsimile machine, to each interested party set forth on the attached mailing list. Said
22 transmission(s) were completed on the aforesaid date at the time stated on the transmission record
23 issued by this firm's sending facsimile machine. Each such transmission was reported as complete
24 and without error and a transmission report was properly issued by this firm's sending facsimile
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