Fill in this information to identify the case:
Debtor 1 Fox Ortega Enterprises, Inc.
Debtor 2 (Spouse, if filing)
United States Bankruptcy Court **Northern District of California**
Case number: **16−40050**

FILED
U.S. Bankruptcy Court
Northern District of California
1/21/2016
Edward J. Emmons, Clerk

Official Form 410
Proof of Claim

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) **that you received.**

Part 1: Identify the Claim

1. **Who is the current creditor?**
   Rick Bloom
   Name of the current creditor (the person or entity to be paid for this claim)
   Other names the creditor used with the debtor

2. **Has this claim been acquired from someone else?**
   ☑ No
   ☐ Yes. From whom?

3. **Where should notices and payments to the creditor be sent?**
   Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?	**Where should payments to the creditor be sent?** (if different)
Rick Bloom	
Name	Name
15652 Woodvale Road Encino, CA 91436	
Contact phone 8189957171	Contact phone
Contact email rickbloom@roadrunner.com	Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. **Does this claim amend one already filed?**
   ☑ No
   ☐ Yes. Claim number on court claims registry (if known) ____ Filed on ____ MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?**
   ☑ No
   ☐ Yes. Who made the earlier filing?

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Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?**
- ☑ No
- ☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. **How much is the claim?** $ 52413.93

Does this amount include interest or other charges?
- ☐ No
- ☑ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?**

Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).

Limit disclosing information that is entitled to privacy, such as healthcare information.

Induced to pay for products the debtor never intended to deliver (fraud) − the replacement cost is now much higher

9. **Is all or part of the claim secured?**
- ☑ No
- ☐ Yes. The claim is secured by a lien on property.

Nature of property:
- ☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410−A) with this *Proof of Claim*.
- ☐ Motor vehicle
- ☐ Other. Describe: _____

Basis for perfection: _____

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: $ _____

Amount of the claim that is secured: $ _____

Amount of the claim that is unsecured: $ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: $ _____

Annual Interest Rate (when case was filed) _____ %
- ☐ Fixed
- ☐ Variable

10. **Is this claim based on a lease?**
- ☑ No
- ☐ Yes. **Amount necessary to cure any default as of the date of the petition.** $ _____

11. **Is this claim subject to a right of setoff?**
- ☑ No
- ☐ Yes. Identify the property: _____

12. **Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**	☐ No ☑ Yes. *Check all that apply*:	**Amount entitled to priority**
A claim may be partly priority and partly nonpriority. For example, in some categories, the lawl imits the amount entitled to priority.	☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	$
	☑ Up to $2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	$ 2775.00
	☐ Wages, salaries, or commissions (up to $12,475*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	$
	☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	$
	☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	$
	☐ Other. Specify subsection of 11 U.S.C. § 507(a)(_) that applies	$

* Amounts are subject to adjustment on 4/1/16 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to $500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571.

Check the appropriate box:

- ☑ I am the creditor.
- ☐ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 1/21/2016
MM / DD / YYYY

/s/ Rick Bloom
Signature

Print the name of the person who is completing and signing this claim:

Name: Rick Bloom
First name Middle name Last name

Title:

Company:

Identify the corporate servicer as the company if the authorized agent is a servicer

Address: 15652 Woodvale Road
Number Street
Encino, CA 91436
City State ZIP Code

Contact phone 8189957171 Email rickbloom@roadrunner.com

CLAIM FOR DAMAGES

Original Amount Charged	=			$ 7,847.48
Replacement Cost Difference (Current Average Cost less Original Purchase Price)	=			
Dom Perignon Rose 2003:				
Current Average Price (a)		$ 334		
Price charged by Fox Ortega		200		
Difference to Replace		$ 134		
Bottles Purchased		x 24		
Sub-total damages			$3,216	
Krug Grande Cuvee NV:				
Current Average Price (a)		$ 185		
Price charged by Fox Ortega		100		
Difference to Replace		$ 85		
Bottles Purchased		x 24		
Sub-total damages			$2,040	
Total Replacement Cost Damages			$5,256	$ 5,256.00
Total Damages				$13,103.48
Treble Damages due to Fraud	=			$39,310.44
Total Claim				**$52,413.93**

(a) Source: Wine-Searcher Pro as of January 20, 2016.

PREMIERECRU.NET

ORDER DETAILS

Order No.: SO-0000464080
Order Date.: Dec 12, 2014
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2003 Dom Perignon Rose, 750 ml	24	0	24	0	$199.99	$4,799.76
Krug Grand Cuvee, 750 ml	24	0	24	0	$99.99	$2,399.76

Subtotal:	$7,199.52
Tax:	$647.96
Total	~~$7,847.48~~

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2003 Dom Perignon Rose, 750 ml	24	0	24
Krug Grand Cuvee, 750 ml	24	0	24

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From: james@premiercru.net on behalf of Premier Cru
To: rickbloom@roadrunner.com
Subject: Your Premier Cru Order 464080, again
Date: Tuesday, December 16, 2014 11:34:24 AM

Hello again Rick,

Thank you for your order, billed now and e-mailed to you under separate cover. As you know from the website and our conversation, these are both pre-arrival bottles. You will be notified as these arrive and can make appropriate shipping (or pickup) arrangements at that time. You can also always check arrival status of your orders on our website under your account. We never automatically ship upon arrival here! You have been billed for the wine but not yet for any shipping costs, and will not be charged for shipping until these actually ship out. If you choose to pick up at the store in future, there will be no shipping costs. Thanks for your business!

Regards,

James Gillerman

==========
James Gillerman
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: james@premiercru.net
Web: www.premiercru.net

-----Original Message-----
From: Premier Cru
Sent: Friday, December 12, 2014 3:38 PM
To: Premier Cru
Subject: Web Order # 164790 from rick Bloom

Order Number: 164790
Placed: Dec 12 2014 3:36PM
Cust Name: rick Bloom
Email Address: rickbloom@roadrunner.com
Cust Id: 47210
Order No: SO-0000464080
Order Status: Verify

Billing Address:

Richard Bloom
15652 Woodvale Road

Encino, CA 91436

Day Phone: 818-618-3093
Eve Phone:
Cel Phone:

Shipping Address:

,

Day Phone: 0
Eve Phone: 0
Cel Phone: 0

Ship On or After: ASAP
Ship Via: HOLD
Payment: 5006
Name on Card: Richard Bloom

qty	item	Wine	price	ext	status
24	CEF16	Krug Grand Cuvee	99.99	2399.76	pre-arrival
24	48946	2003 Dom Perignon Rose	199.99	4799.76	pre-arrival

Bottles : 48
Subtotal: 7199.52
Shipping (estimate): 0.00
Tax : 647.96
Total : 7847.48

Please call me about shipping timing and costs.

Thank you,

Rick

Please note:
We do not ship automatically upon order.
If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.
We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

Premier Cru
1011 University Avenue
Berkeley, CA 94710
(510) 644-9463

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1
Order Number: 0000464080
Order Date: 12/12/2014
Web Order No: 164790
Salesperson: JG
Customer: 47210
Customer PO:

Sold To	Ship To
Rick Bloom 15652 Woodvale Road Encino, CA 91436 USA	Rick Bloom 15652 Woodvale Road Encino, CA 91436 USA

Contact: Richard Bloom
Phone: (818) 618-3093

This order has been paid by American Express - Thank You!

	Item	Ordered	Quantity Shipped	Unit Price	Amount
CEF16	Krug Grand Cuvee	24.00	0.00	99.99	2,399.76
48946	03 Dom Perignon Rose	24.00	0.00	199.99	4,799.76

Payments: 7,847.48

12/16/2014	VUYAC9831874	**********5006	7,847.48

Net Order:	7,199.52
Freight:	0.00
Sales Tax:	647.96
USD	7,847.48

From: American Express
To: rickbloom@roadrunner.com
Subject: Account Alert: Card Not Present Transaction
Date: Tuesday, December 16, 2014 11:30:50 AM

Log in to view your activity

Hello, RICHARD A BLOOM

Account Ending: 75006

View Account | Make a Payment | Manage Alerts Preferences

Card Not Present

View Account

Your account was used to make a purchase, however the Card was not presented to complete the transaction. This is usually the case with purchases made online or over the phone.

Transaction Date:	**Tue, Dec 16, 2014**
Purchase Amount:	**$7,847.48**
Merchant Name:	**PREMIER CRU**

See something you don't recognize? Log into your account and mark the pending charge in your recent charges. We'll monitor this transaction and let you know when it posts to your account.

Thank you for your Card Membership.

American Express Customer Care

If you'd like to stop receiving this alert, simply click here.

Was this e-mail helpful? Please click here to give us your feedback.

Like Account Alerts

Like Us on Facebook

Follow Us on Twitter

Subscribe to our channel

Share with Foursquare friends

Contact Us | Privacy Statement | Add us to your address book

Your Card Member information is included above to help you recognize this as a customer service e-mail from American Express. To learn more about e-mail security or report a suspicious e-mail, please visit us at americanexpress.com/phishing. We kindly ask you not to reply to this e-mail but instead contact us via customer service.

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