

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc. dba Premier Cru

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

8 FILED

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U.S. BANKRUPTCY COURT  
NORTHERN DIST. OF CA.  
OAKLAND, CA.

## 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?

Jonathan Reuter

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?

Jonathan Reuter

Name

48 Leighton Rd

Number Street

Wellesley

MA

02482

City

State

ZIP Code

Contact phone 781-366-2268

Contact email reuterj@bc.edu

Where should payments to the creditor be sent? (if different)

Name

Number

Street

City

State

ZIP Code

Contact phone \_\_\_\_\_

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? \_\_\_\_\_

**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? \$ 1,321.39. 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 health care information.  
Wine was purchased from Premier Cru but never delivered.

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:

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits 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).

☐ 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.

**Amount entitled to priority**

\$ \_\_\_\_\_

\$ 1,321.39

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/16 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 01/16/2016  
MM / DD / YYYY

  
Signature

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

Name Jonathan Michael Reuter  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 48 Leighton Rd  
Number Street  
Wellesley MA 02482  
City State ZIP Code

Contact phone 781-366-2268 Email reuterj@bc.edu

Debtor: Fox Ortega Enterprises, Inc. dba Premier Cru  
 United States Bankruptcy Court for the Northern District of California  
 Case number: 16-40050 WJL 7

Creditor: Jonathan Reuter  
 48 Leighton Rd  
 Wellesley, MA 02482  
 781-366-2268  
 reuterj@bc.edu

Below is a list of the five orders placed with Premier Cru for which I never received any wine.

I have attached all five sales orders from Premier Cru, which state that "This order has been paid by MasterCard - Thank You!"

Premier Cru Invoice Number	Premier Cru Invoice Date	Wine Shipped to Jon Reuter?	Winery	Wine & Vintage	# Bottles	Price per Bottle	Total
0000441593	04/07/14	No	Tua Rita	2011 Syrah	2	\$112.49	\$224.98
0000450905	07/26/14	No	J. L. Chave	2011 Hermitage	2	\$199.99	\$399.98
0000483479	07/08/15	No	J. L. Chave	1999 Hermitage	2	\$189.99	\$379.98
0000483667	07/11/15	No	Chateau Clinet	2005 Bordeaux	2	\$89.99	\$179.98
0000491875	10/09/15	No	Antinori	2012 Tignanello	3	\$45.49	\$136.47
TOTAL COST TO CREDITOR OF FIVE UNFILLED ORDERS							\$1,321.39

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000491875

Order Date: 10/9/2015

Web Order No: 186672

Salesperson: TN

Customer: 46261

Customer PO:

Sold To	Ship To
Jonathan Reuter 48 Leighton Rd Wellesley, MA 02482 USA	Jonathan Reuter 9 Moulton Hill Road c/o Horse Ridge Cellars (860) 763-5380 Stafford Springs, CT 06076 USA

Contact: Jonathan Reuter  
Phone: (781) 366-2268

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
52618 2012 Tignanello, Antinori	3.00	0.00	45.49	136.48

Payments:	136.48	Net Order:	136.48
10/10/2015 AU1ADA32942E *****7348	136.48	Freight:	0.00
		Sales Tax:	0.00
		USD	136.48

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000483667

Order Date: 7/11/2015

Web Order No: 180039

Salesperson: KR

Customer: 46261

Customer PO:

Sold To	Ship To
Jonathan Reuter 48 Leighton Rd Wellesley, MA 02482 USA	Jonathan Reuter 9 Moulton Hill Road c/o Horse Ridge Cellars (860) 763-5380 Stafford Springs, CT 06076 USA

Contact: Jonathan Reuter  
Phone: (781) 366-2268

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
34801 05 Clinet	2.00	0.00	89.99	179.98

Payments:	179.98	Net Order:	179.98
7/11/2015	AQ1AC41B27F9	*****7348	179.98
		Freight:	0.00
		Sales Tax:	0.00
		USD	179.98

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000483479

Order Date: 7/8/2015

Web Order No: 179877

Salesperson: KR

Customer: 46261

Customer PO:

Sold To	Ship To
Jonathan Reuter 48 Leighton Rd Wellesley, MA 02482 USA	Jonathan Reuter 9 Moulton Hill Road c/o Horse Ridge Cellars (860) 763-5380 Stafford Springs, CT 06076 USA

Contact: Jonathan Reuter  
Phone: (781) 366-2268

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
22331 99 Hermitage, Chave	2.00	0.00	189.99	379.98

				Net Order:	379.98
Payments: 379.98				Freight:	0.00
7/8/2015	AQ1AC3F08FC1	*****7348	379.98	Sales Tax:	0.00
				USD	379.98

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000450905

Order Date: 7/26/2014

Web Order No: 154771

Salesperson: JG

Customer: 46261

Customer PO:

Sold To	Ship To
Jonathan Reuter 48 Leighton Rd Wellesley, MA 02482 USA	Jonathan Reuter 9 Moulton Hill Road c/o Horse Ridge Cellars (860) 763-5380 Stafford Springs, CT 06076 USA

Contact: Jonathan Reuter  
Phone: (781) 366-2268

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
49556 2011 Hermitage, Chave	2.00	0.00	199.99	399.98

				Net Order:	399.98
Payments:	399.98			Freight:	0.00
7/26/2014	VLEAB1B8191D	*****5003	399.98	Sales Tax:	0.00
				USD	399.98



# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000441593

Order Date: 4/7/2014

Web Order No: 147866

Salesperson: PB

Customer: 46261

Customer PO:

Sold To	Ship To
Jonathan Reuter 48 Leighton Rd Wellesley, MA 02482 USA	Jonathan Reuter 48 Leighton Rd Wellesley, MA 02482 USA

Contact: Jonathan Reuter

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
48364 2011 Syrah, Tua Rita	2.00	0.00	112.49	224.99

Payments:	224.99	Net Order:	224.99	
4/7/2014	VPEEA9C28D4F	*****5003	224.99	
			Freight:	0.00
			Sales Tax:	0.00
			USD	224.99