

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises dba Premier Cru
 Debtor 2 (Spouse, if filing) _____
 United States Bankruptcy Court for the: ND District of Calif.
 Case number 16-40050 WJL 7

FILED

2015 JAN 26 AM 10:55

U.S. BANKRUPTCY COURT
 NORTHERN DIST. OF CAL.
 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?

James W. Morando

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?

James W. Morando

Name

4 Hillcrest Road

Number Street

Tiburon

City

CA

State

94920

ZIP Code

Contact phone 415-292-4457 (cell)

Contact email jmorando@mqc.com

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

(same)

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? \$ 1,405.87 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 purchased + paid for 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)?

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

☒ No

☐ Yes. Check all that apply:

- ☐ 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

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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 1 19 2016
MM / DD / YYYY

Signature

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

Name

James
First name

William
Middle name

Morando
Last name

Title

Company

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

Address

Number

Street

City

State

ZIP Code

Contact phone

Email

Morando, James (24) x4457

From: James Morando [jmorando@mac.com]
Sent: Tuesday, January 19, 2016 3:47 PM
To: Morando, James (24) x4457
Subject: Fwd: Sales Order From Premier Cru at Premier Cru

Sent from my mobile device

Begin forwarded message:

From: Sunita Aggarwal <sunita@premiercru.net>
Date: June 1, 2015 at 12:35:09 PM PDT
To: James Morando <jmorando@mac.com>
Subject: RE: Sales Order From Premier Cru at Premier Cru

Dear James,

Thank you for your email. Prearrivals take between 6-18 months to arrive. It is difficult to give an exact arrival date until you wines are on the water but my best estimate is before the end of the year (most likely this fall).

Best Regards,

Sunita Aggarwal
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 ([directions](#))
phone (510) 644-9463 ext. 11
fax (510) 647-3833
sunita@premiercru.net

From: James Morando [<mailto:jmorando@mac.com>]
Sent: Thursday, May 28, 2015 5:15 PM
To: Sunita Aggarwal
Subject: Re: Sales Order From Premier Cru at Premier Cru

Ca you please advise regarding the status of this order?

Thanks!

On Jan 30, 2015, at 2:10 PM, Premier Cru <sunita@premiercru.net> wrote:



SALES ORDER

From:
Premier Cru
Premier Cru

To: James Morando
Date: 1/30/2015

To view the attached Sales Order, you need the free Adobe Acrobat Reader, which is available from www.adobe.com.

-Regards,

Matt Cormier
Premier Cru

To view certain attachments to this email, you need Adobe's Acrobat Reader software, which can be downloaded for free by clicking the following link:
[[Download Acrobat Reader Now](#)]

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000468331

Order Date: 1/30/2015

Web Order No: 167891

Salesperson: SA

Customer: 41541

Customer PO:

Sold To

James Morando
4 Hillcrest Road
jmorando@fbm.com
Belvedere-Tiburon, CA 94920 USA

Ship To

James Morando
235 Montgomery Street
Farella Braun + Martel LLP
San Francisco, CA 94104 USA

Contact: James Morando
Phone: (415) 954-4457

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
51264 2010 Brunello di Montalcino, di Neri	3.00	0.00	39.99	119.97
51255 2010 Brunello di Montalcino, Eredi Fuligni	6.00	0.00	59.99	359.94
51257 2010 Brunello di Montalcino Pianrosso, Piccolomini	6.00	0.00	59.99	359.94
51552 2010 Brunello di Montalcino, Sassetti	6.00	0.00	74.99	449.94

Payments: 1,405.87

Net Order: 1,289.79

Freight: 0.00

Sales Tax: 116.08

1/30/2015 VXJACC97342C *****9004 1,405.87

USD 1,405.87