

**Fill in this information to identify the case:**

Debtor 1 Fox Ortega Enterprises, Inc

Debtor 2 dba Premier Cru  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

*FILED*

2016 JAN 26 AM 10:51

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?	<u>Brad Malt</u> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>  <u>Brad Malt</u> Name <u>20 W Cedar St</u> Number Street <u>Boston</u> <u>MA</u> <u>02108</u> City State ZIP Code Contact phone <u>617-951-7318</u> Contact email <u>bmalt@ropesgray.com</u>	<b>Where should payments to the creditor be sent? (if different)</b>  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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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? \$ 172,117.00. 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.  
goods sold

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 01/20/2016  
MM / DD / YYYY

Signature

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

Name R. Bradford Malt  
First name Middle name Last name

Title \_\_\_\_\_

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

Address 20 W Cedar St  
Number Street

Boston MA 02108  
City State ZIP Code

Contact phone 617-951-7318 Email bmalt@ropesgray.com

Brad Malt								
Unshipped Premier Cru Order History								
Item	Unit Price	Qty	Shipped	Remain	Avail	Order Number (Status)	Date	Unshipped Total
2013 Chambolle Musigny les Amoureuses, Mugnier, 750 ml	\$399.99	5	0	5	0	SO-0000494006 (Open)	11/8/2015	\$1,999.95
2013 Bonnes Mares, Dujac, 750 ml	\$295.00	6	0	6	0	SO-0000494006 (Open)	11/8/2015	\$1,770.00
2013 Ruchottes Chambertin, Rousseau, 750 ml	\$275.00	12	0	12	0	SO-0000492918 (Open)	10/24/2015	\$3,300.00
2013 Clos de Beze, Rousseau, 750 ml	\$499.99	6	0	6	0	SO-0000492918 (Open)	10/24/2015	\$2,999.94
2013 Chambertin, Rousseau, 750 ml	\$599.99	6	0	6	0	SO-0000492918 (Open)	10/24/2015	\$3,599.94
2006 Taittinger Comtes de Champagne Blanc de Blancs, 750 ml	\$79.99	12	0	12	0	SO-0000486695 (Open)	8/9/2015	\$959.88
2010 Brunello di Montalcino Montosoli, Altesino, 750 ml	\$49.99	12	0	12	0	SO-0000478507 (Open)	5/10/2015	\$599.88
2010 Brunello di Montalcino Poggio alle Mura, Banfi, 750 ml	\$37.99	12	0	12	0	SO-0000478507 (Open)	5/10/2015	\$455.88
2013 Chablis Preuses, Fevre, 750 ml	\$48.74	12	0	12	0	SO-0000472650 (Open)	3/9/2015	\$584.88
2013 Chablis Les Clos, Fevre, 750 ml	\$51.99	12	0	12	0	SO-0000472650 (Open)	3/9/2015	\$623.88
2013 Chablis Cote de Bouguerots, Fevre, 750 ml	\$48.74	12	0	12	0	SO-0000472650 (Open)	3/9/2015	\$584.88
1964 Taylor Very Old Single Harvest (Limited Edition - Individual Wood Box), 750 ml	\$187.49	4	0	4	0	SO-0000469441 (Open)	2/8/2015	\$749.96
2010 Brunello di Montalcino, Argiano, 750 ml	\$48.99	12	0	12	0	SO-0000468264 (Open)	1/29/2015	\$587.88
2010 Brunello di Montalcino, Valdicava, 750 ml	\$118.99	12	0	12	0	SO-0000468264 (Open)	1/29/2015	\$1,427.88
2010 Brunello di Montalcino Pianrosso, Piccolomini, 750 ml	\$59.99	12	0	12	0	SO-0000468264 (Open)	1/29/2015	\$719.88
2010 Brunello di Montalcino, Sassetti, 750 ml	\$74.99	12	0	12	0	SO-0000468264 (Open)	1/29/2015	\$899.88
2011 Montrachet, DRC, 750 ml	\$1,899.99	2	0	2	0	SO-0000467710 (Open)	1/24/2015	\$3,799.98
2011 Romanee St Vivant, DRC, 750 ml	\$879.99	6	0	6	0	SO-0000467710 (Open)	1/24/2015	\$5,279.94
2011 Richebourg, DRC, 750 ml	\$879.99	6	0	6	0	SO-0000467710 (Open)	1/24/2015	\$5,279.94
2009 d'Yquem, 750 ml	\$454.99	12	0	12	0	SO-0000453591 (Open)	8/27/2014	\$5,459.88
1996 Krug, 750 ml	\$289.99	6	0	6	0	SO-0000452859 (Open)	8/18/2014	\$1,739.94
2012 Clos de Tart Magnum, 1.5 L	\$599.99	3	0	3	0	SO-0000452858 (Open)	8/18/2014	\$1,799.97
2011 Pedro Ximenez de Anada 1/2, Alvear, 375 ml	\$79.99	12	0	12	0	SO-0000439106 (Open)	3/8/2014	\$959.88
2012 Chablis Clos, Fevre, 750 ml	\$69.99	24	0	24	0	SO-0000435185 (Open)	1/23/2014	\$1,679.76
2010 Montrose, 750 ml	\$149.99	12	0	12	0	SO-0000435185 (Open)	1/23/2014	\$1,799.88
2010 Pape Clement, 750 ml	\$169.99	12	0	12	0	SO-0000435185 (Open)	1/23/2014	\$2,039.88
2011 Pedro Ximenez de Anada 1/2, Alvear, 375 ml	\$99.99	6	0	6	0	SO-0000435072 (Open)	1/21/2014	\$599.94
1946 Don Pedro Ximenez Covento Seleccion, Toro Albala, 750 ml	\$289.99	6	0	6	0	SO-0000435072 (Open)	1/21/2014	\$1,739.94
1927 Pedro Ximenez Solera, Alvear, 750 ml	\$28.99	12	0	12	0	SO-0000435072 (Open)	1/21/2014	\$347.88
2012 Chablis Valmur, Fevre, 750 ml	\$59.99	12	0	12	0	SO-0000434467 (Open)	1/18/2014	\$719.88
2012 Chablis Vaudesir, Fevre, 750 ml	\$59.99	12	0	12	0	SO-0000434467 (Open)	1/18/2014	\$719.88
2012 Romanee St Vivant, Hudelot Noellat, 750 ml	\$399.99	6	0	6	0	SO-0000434381 (Open)	1/17/2014	\$2,399.94
2010 Tignanello, Antinori, 750 ml	\$49.99	12	0	12	0	SO-0000425439 (Open)	10/16/2013	\$599.88
2010 Sassicaia Magnum, 1.5 L	\$249.99	6	0	6	0	SO-0000425439 (Open)	10/16/2013	\$1,499.94
2005 Taittinger Comtes de Champagne, 750 ml	\$89.99	12	0	12	0	SO-0000425439 (Open)	10/16/2013	\$1,079.88
2009 Chablis Cote de Bouguerots 3 Liter, Fevre, 3 L	\$299.99	3	0	3	0	SO-0000424572 (Open)	10/4/2013	\$899.97
2011 Redigaffi, Tua Rita, 750 ml	\$145.00	6	0	6	0	SO-0000422242 (Open)	9/5/2013	\$870.00
2004 Taittinger Comtes de Champagne Blanc de Blancs, 750 ml	\$99.99	12	0	12	0	SO-0000420051 (Open)	8/3/2013	\$1,199.88
2004 Bollinger Grand Annee, 750 ml	\$69.99	12	0	12	0	SO-0000419864 (Open)	8/1/2013	\$839.88

2010 Palmer, 750 ml	\$149.99	12	0	12	0	SO-0000419362 (Open)	7/26/2013	\$1,799.88
2010 Chateaufeuf Cuvee da Capo 3 Liter, Pegau, 3 L	\$1,299.00	2	0	2	0	SO-0000416566 (Open)	6/25/2013	\$2,598.00
2010 Forts de Latour, 750 ml	\$249.99	10	0	10	0	SO-0000411575 (Open)	4/30/2013	\$2,499.90
2010 Latour 6 Liter, 6 L	\$6,699.00	1	0	1	0	SO-0000411514 (Open)	4/29/2013	\$6,699.00
2010 Latour 3 Liter, 3 L	\$3,299.00	1	0	1	0	SO-0000411514 (Open)	4/29/2013	\$3,299.00
2011 Montrachet, Bouchard, 750 ml	\$279.99	12	0	12	0	SO-0000408574 (Open)	3/27/2013	\$3,359.88
2010 Beausejour Duffau, 750 ml	\$259.99	12	0	12	0	SO-0000407541 (Open)	3/13/2013	\$3,119.88
2010 Chateaufeuf Cuvee da Capo, Pegau, 750 ml	\$199.99	6	0	6	0	SO-0000402525 (Open)	1/14/2013	\$1,199.94
2011 Chablis les Clos, Fevre, 750 ml	\$45.00	12	0	12	0	SO-0000401006 (Open)	12/29/2012	\$540.00
2011 Chablis Preuses, Fevre, 750 ml	\$45.00	12	0	12	0	SO-0000401006 (Open)	12/29/2012	\$540.00
2011 Chablis Bougros Cote de Bouguerots, Fevre, 750 ml	\$39.99	12	0	12	0	SO-0000401006 (Open)	12/29/2012	\$479.88
2010 Montrachet, Bouchard, 750 ml	\$249.99	6	0	6	0	SO-0000398656 (Open)	12/5/2012	\$1,499.94
2010 Corton Clos des Cortons, Faiveley, 750 ml	\$169.99	12	0	12	0	SO-0000398610 (Open)	12/4/2012	\$2,039.88
2009 La Mission Haut Brion, 750 ml	\$399.99	12	0	12	0	SO-0000396505 (Open)	11/9/2012	\$4,799.88
2010 Chateaufeuf Clos des Papes, Avril, 750 ml	\$79.99	12	0	12	0	SO-0000396505 (Open)	11/9/2012	\$959.88
2010 Haut Brion, 750 ml	\$279.99	12	0	12	0	SO-0000396505 (Open)	11/9/2012	\$3,359.88
2010 Clos de Tart, 750 ml	\$225.00	6	0	6	0	SO-0000395307 (Open)	10/25/2012	\$1,350.00
2009 Griotte Chambertin, Ponsot, 750 ml	\$179.99	12	0	12	0	SO-0000392364 (Open)	9/21/2012	\$2,159.88
2010 Musigny V.V. Vogue, 750 ml	\$399.99	6	0	6	0	SO-0000391423 (Open)	9/10/2012	\$2,399.94
2009 Pape Clement Blanc, 750 ml	\$229.99	6	0	6	0	SO-0000389986 (Open)	8/22/2012	\$1,379.94
2009 Smith Haut Lafitte Blanc, 750 ml	\$95.00	6	0	6	0	SO-0000389986 (Open)	8/22/2012	\$570.00
2010 Charmes Chambertin T.V.V., Roty, 750 ml	\$399.99	12	0	12	0	SO-0000385659 (Open)	7/3/2012	\$4,799.88
2010 Bonnes Mares, Dujac, 750 ml	\$499.99	6	0	6	0	SO-0000384888 (Open)	6/26/2012	\$2,999.94
2009 Pape Clement Blanc, 750 ml	\$229.99	6	0	6	0	SO-0000383915 (Open)	6/15/2012	\$1,379.94
2009 Pape Clement Blanc, 750 ml	\$199.99	12	0	12	0	SO-0000381527 (Open)	5/11/2012	\$2,399.88
2010 Gevrey Clos St Jacques, Rousseau, 750 ml	\$495.00	12	0	12	0	SO-0000380880 (Open)	5/3/2012	\$5,940.00
2010 Chambertin, Rousseau, 750 ml	\$899.99	6	0	6	0	SO-0000380880 (Open)	5/3/2012	\$5,399.94
2010 Bonnes Mares, Roumier, 750 ml	\$799.99	6	0	6	0	SO-0000380880 (Open)	5/3/2012	\$4,799.94
2010 Clos Vougeot V.V., Ponsot, 750 ml	\$199.99	12	0	12	0	SO-0000379686 (Open)	4/17/2012	\$2,399.88
2010 Chevalier Montrachet, Leflaive, 750 ml	\$399.99	6	0	6	0	SO-0000371567 (Open)	1/10/2012	\$2,399.94
2010 Chateaufeuf Cuvee da Capo, Pegau, 750 ml	\$199.99	6	0	6	0	SO-0000371307 (Open)	1/6/2012	\$1,199.94
2007 Cote Rotie La Landonne, Guigal, 750 ml	\$249.99	12	0	12	0	SO-0000371155 (Open)	1/5/2012	\$2,999.88
2010 Clos de Beze, Faiveley, 750 ml	\$179.99	12	0	12	0	SO-0000368964 (Open)	12/9/2011	\$2,159.88
2010 Pichon Baron, 750 ml	\$149.99	12	0	12	0	SO-0000366338 (Open)	11/7/2011	\$1,799.88
2010 l'Eglise Clinet, 750 ml	\$199.99	12	0	12	0	SO-0000360534 (Open)	8/4/2011	\$2,399.88
2009 Clos de la Roche V.V., Ponsot, 750 ml	\$399.99	12	0	12	0	SO-0000360534 (Open)	8/4/2011	\$4,799.88
2009 Climens, 750 ml	\$59.99	12	0	12	0	SO-0000360534 (Open)	8/4/2011	\$719.88
2007 Chateaufeuf Cuvee da Capo, Pegau, 750 ml	\$255.00	6	0	6	0	SO-0000351424 (Open)	2/25/2011	\$1,530.00
2009 Angelus, 750 ml	\$149.99	9	0	9	0	SO-0000348411 (Open)	1/10/2011	\$1,349.91
2009 La Fleur Petrus, 750 ml	\$149.99	12	0	12	0	SO-0000345189 (Open)	11/5/2010	\$1,799.88
2009 Pontet Canet, 750 ml	\$134.99	12	0	12	0	SO-0000340457 (Open)	7/9/2010	\$1,619.88
2009 Climens, 750 ml	\$79.99	12	0	12	0	SO-0000339861 (Open)	6/25/2010	\$959.88
2009 Montrose, 750 ml	\$179.99	12	0	12	0	SO-0000339589 (Open)	6/23/2010	\$2,159.88
2009 Leoville Poyferre, 750 ml	\$119.99	12	0	12	0	SO-0000339548 (Open)	6/23/2010	\$1,439.88
2006 Sassicaia, 750 ml	\$125.00	12	11	1	0	SO-0000323627 (Open)	9/3/2009	\$125.00
2008 Haut Bailly, 750 ml	\$55.00	12	0	12	0	SO-0000317669 (Open)	5/12/2009	\$660.00
Total								\$172,117.98