

ORIGINAL

4M 9:41AM  
**FILED**  
 JAN 26 2016  
 BANKRUPTCY COURT  
 OAKLAND, CALIFORNIA

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

Debtor 1 Fox Ortega Enterprises DBA PREMIER CRV

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

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

**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?	Melissa L Masopust 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)	Where should notices to the creditor be sent? Melissa L Masopust Name 1199 Edgewood Rd. Number Street Lake Forest IL 60045 City State ZIP Code Contact phone 773.369.9003 Contact email mmasopust@live.com	Where should payments to the creditor be sent? (if different) Melissa L Masopust Name 1199 Edgewood Rd. Number Street Lake Forest IL 60045 City State ZIP Code Contact phone 773.369.9003 Contact email mmasopust@live.com
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? \$ \_\_\_\_\_ **\$360.00** 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 but never rendered.

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 Melissa Lee Masopust  
First name Middle name Last name

Title \_\_\_\_\_

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

Address 1199 Edgewood Rd.  
Number Street

Lake Forest IL 60045  
City State ZIP Code

773.369.9003 mamasopust@live.com  
Contact phone Email

1/20/16, 8:35 AM  
RECEIPT AND CORRESPONDENCE  
FOR GOODS PURCHASED / PAID  
BUT NEVER FULFILLED

>> Eve Phone: 0  
>> Cel Phone: 0  
>>  
>> Ship On or After: ASAP  
>> Ship Via: HOLD  
>> Payment: 1411 exp: 12 17  
>> Name on Card: Melissa L Masopust  
>>  
>>  
>> qty item Wine price  
>> ext status  
>> -----  
>> -----  
>> 8 51551 2010 Brunello di Montalcino, Palazzo 45.00  
>> 360.00 pre-arrival  
>> -----  
>> Bottles : 8  
>> Subtotal: 360.00  
>> Shipping (estimate): 0.00  
>> Tax : 0.00  
>> Total : 360.00  
>>  
>>  
>> -----  
>>  
>> 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  
>  
>  
>

>  
> I just received your voice message. We typically take your shipping  
> address once the prearrival items are in stock. You should receive an  
> email notifying you once they arrive and we will confirm your shipping

> address prior to shipping. If you would prefer to provide your  
> shipping information now, I can enter it into your account.

>  
> 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

>  
>  
> -----Original Message-----

> From: Melissa Masopust [<mailto:mmasopust@live.com>]  
> Sent: Tuesday, January 27, 2015 2:01 PM  
> To: Premier Cru  
> Subject: Re: Web Order # 167727 from Melissa Masopust

>  
> Please give me a sense of shipping costs that IL based residents have  
> experienced historically for a shipment of 8 bottles of wine. A range

> is sufficient, thank you.

>  
> Melissa Masopust | Director | Navigant Consulting, Inc.  
> 30 South Wacker| Suite 3100 | Chicago, Illinois 60606  
> Mobile: 773.369.9003| Phone: 312.583.2156 |Fax: 312.583.5701  
> melissa.masopust@navigant.com  
> Assistant: Aimee Festa | Phone 312.583.3669| aimee.festa@navigant.com

>> On Jan 27, 2015, at 3:32 PM, Premier Cru <[sales@premiercru.net](mailto:sales@premiercru.net)>  
wrote:

>>  
>> Dear Melissa,

>>  
>> Thank you for your order, emailed to you under separate cover. As  
>> noted on the website and during checkout, your order contains  
>> pre-arrival bottles. You will be notified as these arrive and can  
>> make appropriate shipping (or pickup) arrangements at that time. You

>> can also check your arrival status of your orders on our website  
>> under

>  
>> "my account" after the website syncs overnight.

## RE: Web Order # 167727 from Melissa Masopust

### Premier Cru

Wed 1/28/2015 1:34 PM

To: Melissa Masopust <[mmasopust@live.com](mailto:mmasopust@live.com)>;

Dear Melissa,

Thank you for your email. We have that address listed under your account.

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](mailto:sunita@premiercru.net)

-----Original Message-----

From: Melissa Masopust [<mailto:mmasopust@live.com>]  
Sent: Tuesday, January 27, 2015 3:31 PM  
To: Premier Cru  
Subject: Re: Web Order # 167727 from Melissa Masopust

Thanks so much Sunita, I look forward to being notified of the pre-arrival, arrival. ;) Please add the following address to my account:

Melissa Masopust  
1199 Edgewood Rd.  
Lake Forest, IL 60045

Melissa Masopust | Director | Navigant Consulting, Inc.  
30 South Wacker| Suite 3100 | Chicago, Illinois 60606  
Mobile: 773.369.9003| Phone: 312.583.2156 |Fax: 312.583.5701  
[melissa.masopust@navigant.com](mailto:melissa.masopust@navigant.com)  
Assistant: Aimee Festa | Phone 312.583.3669| [aimee.festa@navigant.com](mailto:aimee.festa@navigant.com)

> On Jan 27, 2015, at 5:06 PM, Premier Cru <[sales@premiercru.net](mailto:sales@premiercru.net)> wrote:

>

> Hello Melissa,

## RE: Prearrival

Sunita Aggarwal

Mon 3/30/2015 2:53 PM

To: 'Melissa Masopust' &lt;mmasopust@live.com&gt;;

Dear Melissa,

Sorry I accidentally emailed you and meant to send it to a colleague. Your wine is not here yet, but I recommend checking back this fall since we are expecting a number of our Italians around that time.

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](mailto:sunita@premiercru.net)

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**From:** Melissa Masopust [<mailto:mmasopust@live.com>]**Sent:** Monday, March 30, 2015 12:50 PM**To:** Sunita Aggarwal**Subject:** Re: Prearrival

Do I understand correctly that the wine has NOT yet arrived to you? I will need to work with you to ship to 1199 Edgewood Rd, Lake Forest, IL 60045

Thank you

On Mar 30, 2015, at 12:54 PM, Sunita Aggarwal <[sunita@premiercru.net](mailto:sunita@premiercru.net)> wrote:

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**From:** Phil Bohorfoush**Sent:** Monday, February 10, 2014 4:10 PM**To:** [sunita@premiercru.net](mailto:sunita@premiercru.net)**Subject:** Prearrival

Thank you for your order, emailed to you under separate cover. As noted on the website and during checkout, your order contains pre-arrival bottles. You will be notified as these arrive and can make appropriate

shipping (or pickup) arrangements at that time. You can also check your arrival status of your orders on our website under "my account" after the website syncs overnight.

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. Thanks for your business.

Kind regards,  
Phil

Philip L. Bohorfoush  
Premier Cru - the world's finest wines  
1011 University Avenue  
Berkeley, CA 94710 (directions)  
phone (510) 644-9463 ext. 21  
fax (510) 647-3833  
phil@premiercru.net