

Fill in this information to identify the case:

Debtor 1 Mr. Paul Davis Emery

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

FILED
8
2016 JAN 28 AM 9:59
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>Mr. Paul Davis Emery</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)	Where should notices to the creditor be sent? <u>Paul D. Emery</u> Name <u>124 W 18th Street Floor 3</u> Number Street <u>New York NY 10011</u> City State ZIP Code Contact phone <u>703-851-8512</u> Contact email <u>paul.davis.emery@gmail.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) Name Number Street City State ZIP Code Contact phone Contact email
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? \$ 3,924.82 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 purchased by credit card

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 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.

\$ _____

* 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 01/21/2016
MM / DD / YYYY

Signature

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

Name Paul Davis Emery
First name Middle name Last name

Title Individual

Company

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

Address 124 W 18th Street Floor 3
Number Street

New York

NY

10011

City

State

ZIP Code

Contact phone 703-851-8512

Email paul.davis.emery@gmail.com

UNITED STATES BANKRUPTCY COURT
Northern District of California

In	Fox Ortega Enterprises, Inc.	Case No.: 16-40050 WJL 7
Re:		
dba Premier Cru	Chapter: 7	
Debtor(s)		

NOTICE OF POSSIBLE DIVIDEND

TO THE DEBTOR AND ALL INTERESTED PARTIES:

Notice is given that the notice of meeting of creditors advised you that there were no assets in this case. It now appears that a payment of a dividend may be possible.

Pursuant to Federal Rule of Bankruptcy Procedure 3002(c)(5), creditors may file proofs of claim on or before 4/8/16.

A proof of claim form, in blank with instructions for completion, is available from the Court at the address listed below, or online at: <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

In order to receive a copy of your proof of claim you must:

1. Enclose with your proof of claim one (1) original and one (1) copy of your proof of claim.
2. You must also enclose a self-addressed, postage paid envelope large enough to accommodate your conformed copy of the claim.
3. Please sign and print or type your name clearly underneath your signature.

Unless all of the above steps are completed, no return conformed copy of your claim will be sent out.

NO FEE FOR FILING CLAIMS

MAIL CLAIMS TO:

U.S. Bankruptcy Court
1300 Clay Street #300 (94612)
Post Office Box 2070
Oakland, CA 94604-2070

Dated: 1/10/16

For the Court:

Edward J. Emmons
Clerk of Court
United States Bankruptcy Court

Doc # 7

784

Information to identify the case:

Debtor

Fox Ortega Enterprises, Inc.

EIN 94-3660341

Name

United States Bankruptcy Court Northern District of California

Date case filed for chapter 7 1/8/16

Case number: 16-40050

Official Form 309D (For Corporations or Partnerships)**Notice of Chapter 7 Bankruptcy Case -- Proof of Claim Deadline Set**

12/15

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtor's full name	Fox Ortega Enterprises, Inc.	
2. All other names used in the last 8 years	dba Premier Cru	
3. Address	1011 University Ave. Berkeley, CA 94710	
4. Debtor's attorney Name and address	Stephen D. Finestone Law Offices of Stephen D. Finestone 456 Montgomery St. 20th Fl. San Francisco, CA 94104	Contact phone (415) 421-2624
5. Bankruptcy trustee Name and address	Michael G. Kasolas P.O. Box 26650 San Francisco, CA 94126	Contact phone (415) 504-1926 Email: trustee@kasolas.net
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	1300 Clay Street #300 (94612) Post Office Box 2070 Oakland, CA 94604-2070	Hours open: 9:00 am to 4:30 pm, Monday - Friday Contact phone 510-879-3600 Date: 1/12/16
7. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	February 24, 2016 at 08:30 AM The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location: Office of the U.S. Trustee, 1301 Clay St. Room 680N, Oakland, CA 94612
Important Notice to Individual Debtors: The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors		

For more information, see page 2 >

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Paul Emery Wine Orders Summary (All Outstanding)

Date	Invoice	Wine Maker / Name	Vintage	Verlatal	Size	Cost	Quantity
2/23/13	405896	Louis Jadot la Garenne 1er Cru	2011	Chardonnay	1,500ml	\$89.99	1.0
2/23/13	405896	Louis Jadot les Folatieres 1er Cru	2011	Chardonnay	1,500ml	\$99.99	1.0
2/23/13	405896	Louis Jadot les Combettes 1er Cru	2011	Chardonnay	1,500ml	\$109.99	1.0
SUBTOTAL						\$299.97	
10/19/13	425759	Mouton Rothschild	2012	Cabernet/Merlot	750ml	\$275.00	2.0
10/19/13	425759	Leoville Poyferre	2011	Cabernet/Merlot	750ml	\$45.00	6.0
10/19/13	425759	Moet & Chandon Dom Perignon	2004	Sparkling White	750ml	\$99.99	3.0
SUBTOTAL*						\$1,119.97	
3/29/14	440789	Clos des Papes	2001	Grenache	3,000ml	\$337.50	2.0
SUBTOTAL						\$675.00	
4/22/14	443127	Clos des Papes	2005	Grenache	3,000ml	\$450.00	2.0
SUBTOTAL						\$900.00	
8/9/15	486749	Tenuta San Guido Sassicaia	2012	Cabernet Sauvignon	750ml	\$104.99	6.0
SUBTOTAL						\$629.94	
8/11/15	486936	Beaucastel	2012	Grenache	750ml	\$49.99	6.0
SUBTOTAL						\$299.94	
GRAND TOTALS						\$3,924.82	30.0

* Note: Invoice #425759 includes 6 bottles that were delivered



Paul Emery <paul.davis.emery@gmail.com>

Premier Cru Order Acknowledgement

Premier Cru <shipping@premiercru.net>

Sat, Feb 23, 2013 at 4:59 PM

To: paul.davis.emery@gmail.com

Thank you for your order!

We have received your order request SO-0000405896-120931.

qty	item	Wine	price	ext	status
1	47322	2011 Puligny Garenne Magnum, Jadot	89.99	89.99	pre-arrival
1	47328	2011 Puligny Folatieres Magnum, Jadot	99.99	99.99	pre-arrival
1	47331	2011 Puligny Combettes Magnum, Jadot	109.99	109.99	pre-arrival

Bottles :	3
Subtotal:	299.97
Shipping:	0.00
Tax :	27.00
Total :	326.97

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: 0000425759

Order Date: 10/19/2013

Web Order No: 135536

Salesperson: MR

Customer: 40133

Customer PO:

Sold To	Ship To
Paul Emery 496 Sherwood Way Apt #4 paul@hf.com Menlo Park, CA 94025 USA	Paul Emery 12 Foster Avenue c/o Liquid Asset Storage Bridgehampton, NY 11932 USA

Contact: Paul Davis Emery
Phone: (703) 851-8512

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
47657 2012 Mouton Rothschild	2.00	0.00	275.00	550.00
48077 04 Dom Perignon	3.00	0.00	99.99	299.97
48567 2011 Puligny Folatieres, Sauzet	3.00	0.00	64.99	194.97
46059 2011 Leoville Poyferre	6.00	0.00	45.00	270.00
48568 2011 Puligny Perrieres, Sauzet	3.00	0.00	59.99	179.97

Payments: 1,494.91

Net Order: 1,494.91

Freight: 0.00

Sales Tax: 0.00

10/19/2013	VUYEB0F9C5B6	*****5003	1,494.91
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USD 1,494.91

788

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000440789

Order Date: 3/29/2014

Web Order No: 147226

Salesperson: JG

Customer: 40133

Customer PO:

Sold To

Paul Emery
496 Sherwood Way
Apt #4
paul@hf.com
Menlo Park, CA 94025 USA

Ship To

Paul Emery
12 Foster Avenue
c/o Liquid Asset Storage
Bridgehampton, NY 11932 USA

Contact: Paul Davis Emery
Phone: (703) 851-8512

25% discount applied!

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

Item		Ordered	Quantity Shipped	Unit Price	Amount
49608	01 Chateauneuf Clos des Papes 3 Liter, Avril	2.00	0.00	337.50	675.00

Payments: 675.00

Net Order: 675.00

Freight: 0.00

Sales Tax: 0.00

3/29/2014	VTHEBAECF594	*****5003	675.00
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USD 675.00

789

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000443127

Order Date: 4/22/2014

Web Order No: 149053

Salesperson: JG

Customer: 40133

Customer PO:

Sold To	Ship To
Paul Emery 496 Sherwood Way Apt #4 paul@hf.com Menlo Park, CA 94025 USA	Paul Emery 12 Foster Avenue c/o Liquid Asset Storage Bridgehampton, NY 11932 USA

Contact: Paul Davis Emery
Phone: (703) 851-8512

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
36235 05 Chateaucneuf Clos des Papes 3 Liter, Avril	2.00	0.00	450.00	900.00

Payments:	900.00	Net Order:	900.00
4/22/2014 VRFEAB0192B4 *****5003 900.00		Freight:	0.00
		Sales Tax:	0.00
		USD	900.00

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000486749
Order Date: 8/9/2015
Web Order No: 182576
Salesperson:
Customer: 40133
Customer PO:

Sold To

Paul Emery
496 Sherwood Way
Apt #4
paul@hf.com
Menlo Park, CA 94025 USA

Ship To

Paul Emery
445 Sills Rd
Unik K
c/o Liquid Asset Storage
Yaphank, NY 11980 USA

Contact: Paul Davis Emery
Phone: (703) 851-8512

Can I get in the original wooden case given 6 b...

Item		Ordered	Quantity Shipped	Unit Price	Amount
51790	2012 Sassicaia, Tenuta San Guido	6.00	0.00	104.99	629.94

Payments: 629.94

Net Order: 629.94

Freight: 0.00

Sales Tax: 0.00

8/9/2015	AL3AC7649FF4	*****6001	629.94
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USD 629.94

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000486936

Order Date: 8/11/2015

Web Order No: 182721

Salesperson: KR

Customer: 40133

Customer PO:

Sold To

Paul Emery
496 Sherwood Way
Apt #4
paul@hf.com
Menlo Park, CA 94025 USA

Ship To

Paul Emery
445 Sills Rd
Unik K
c/o Liquid Asset Storage
Yaphank, NY 11980 USA

Contact: Paul Davis Emery
Phone: (703) 851-8512

If 6-bottle OWC's are available, would be great...
This order has been paid by American Express - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
49043	2012 Beaucastel	6.00	0.00	49.99	299.94

Payments: 299.94

Net Order: 299.94

Freight: 0.00

Sales Tax: 0.00

8/11/2015 AT3AD750CC6F *****6001 299.94

USD 299.94