Fill in this information to identify the case:

Debtor 1: Fox Ortega Enterprises Inc.

Debtor 2 (Spouse, if filing): dba Premier Cru

United States Bankruptcy Court for the: Northern District of California

Case number: 16-40050 WJL 7

FILED

2016 FEB -2 P 12:04

U.S. BANKRUPTCY COURT
N.D. 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?**

   Tim Branton

   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?	**Where should payments to the creditor be sent?** (if different)
Tim Branton Name	_____ Name
91 Victoria Park Ave. Number Street	_____ Number Street
Scarborough Ontario M4E 3S2 City State ZIP Code	_____ City State ZIP Code
Contact phone 416-726-1442	Contact phone _____
Contact email tim.branton@me.com	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? _____

Case 16-40050 Claim 669 Filed 02/02/16 Desc Main Document Page 1 of 16

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?** $ 4,084.95 . **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, never received

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:*

	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:

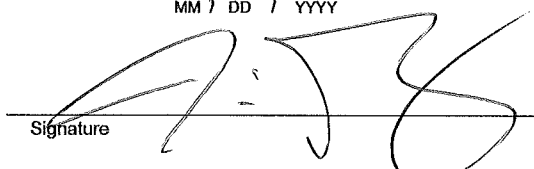
☒ I am the creditor.
☐ I am the creditor's attorney or authorized agent.
☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

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 01/25/2016
MM / DD / YYYY



Signature

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

Name: Tim (First name) Robin (Middle name) Branton (Last name)

Title:

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

Address: 91 Victoria Park Avenue. (Number Street)
Scarborough, ON M4E 3S2 (City State ZIP Code)

Contact phone 416.726.1442 Email timbranton@me.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000395652
Order Date: 10/29/2012

Salesperson: MR
Customer: 43709
Customer PO:

Sold To	Ship To
Tim Branton 91 Victoria Park Ave Toronto, ON m4e 3s2 CAN	Tim Branton 91 Victoria Park Ave Toronto, ON m4e 3s2 CAN

Contact: Tim Branton
Phone: (416)726-1442

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
44089	2010 Lafite Rothschild 3 Liter	1.00	0.00	3,225.00	3,225.00

Payments: 3,225.00

10/29/2012	VLEE7D756517	**********4308	3,225.00

Net Order:	3,225.00
Freight:	0.00
Sales Tax:	0.00
USD	3,225.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000396001
Order Date: 11/2/2012

Salesperson: MC
Customer: 43709
Customer PO:

Sold To	Ship To
Tim Branton 91 Victoria Park Ave Toronto, ON m4e 3s2 CAN	Tim Branton 91 Victoria Park Ave Toronto, ON m4e 3s2 CAN

Contact: Tim Branton
Phone: (416)726-1442

	Item	Ordered	Quantity Shipped	Unit Price	Amount
44968	2010 Chateauneuf Cuvee Imperiale, R. Usseglio	1.00	0.00	79.99	79.99

Payments: 79.99

11/2/2012	VREE7C2CE750	**********4308	79.99

Net Order:	79.99
Freight:	0.00
Sales Tax:	0.00
USD	79.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000447179
Order Date: 6/13/2014

Salesperson: JG
Customer: 43709
Customer PO:

Sold To	Ship To
Tim Branton 8123 Hwy 69 Toronto, ON P0C 1H0 CAN	Tim Branton 8123 Hwy 69 Toronto, ON P0C 1H0 CAN

Contact: Tim Branton
Phone: (416)726-1442

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
37369	96 Krug	1.00	0.00	349.99	349.99

Payments: 349.99

6/13/2014	VUJABEDD0D11	**********6590	349.99

Net Order:	349.99
Freight:	0.00
Sales Tax:	0.00
USD	349.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000472855
Order Date: 3/11/2015

Salesperson: SA
Customer: 43709
Customer PO:

Sold To	Ship To
Tim Branton 8123 Hwy 69 Mactier, ON P0C 1H0 CAN	Tim Branton 8123 Hwy 69 Mactier, ON P0C 1H0 CAN

Contact: Tim Branton
Phone: (416)726-1442

This order has been paid by Visa - Thank You!

	Item	Ordered	Quantity Shipped	Unit Price	Amount
51794	2010 Brunello di Montalcino, Cerbaiona	1.00	0.00	169.99	169.99

Payments: 169.99

3/11/2015	VRFABDA17432	**********6590	169.99

Net Order:	169.99
Freight:	0.00
Sales Tax:	0.00
USD	169.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000490692
Order Date: 9/21/2015

Salesperson: SA
Customer: 43709
Customer PO:

Sold To	Ship To
Tim Branton 8123 Hwy 69 Mactier, ON P0C 1H0 CAN	Tim Branton 8123 Hwy 69 Mactier, ON P0C 1H0 CAN

Contact: Tim Branton
Phone: (416)726-1442

This order has been paid by Visa - Thank You!

	Item	Ordered	Quantity Shipped	Unit Price	Amount
52796	04 Dom Perignon Magnum	1.00	0.00	209.99	209.99
52770	2012 Chianti Classico Riserva Vigna del Sorbo, Fontodi	1.00	0.00	49.99	49.99

Payments: 259.98

9/21/2015	AX0AD978B5EF	**********6590	259.98

Net Order:	259.98
Freight:	0.00
Sales Tax:	0.00
USD	259.98

MY ACCOUNT

RECENT ORDERS

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
50-0000390692 (Open)	$259.98	2	0	2	0	9/21/15
50-0000472855 (Open)	$169.99	1	0	1	0	3/11/15
50-0000447173 (Open)	$349.99	1	0	1	0	6/13/14
50-0000326003 (Open)	$79.99	1	0	1	1	11/2/12
50-0000295652 (Open)	$3,225.00	1	0	1	0	10/29/12

View all orders

VIEW ORDERS

◉ Open ○ Closed ○ All View

VIEW ITEMS

◉ Open ○ Closed ○ All ○ Ready to Ship View

RECENT SHIPMENTS

You have no recent shipments.

View all shipments

View all shipment details

ORDER DETAILS

Order No.: SO-0000103572
Order Date: Oct 29, 2012
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Lafite Rothschild 3 Liter, 3 L	1	0	1	0	$3,225.00	$3,225.00

Subtotal: $3,225.00
Tax: $0.00
Total: $3,225.00

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Lafite Rothschild 3 Liter, 3 L	1	0	1

© Copyright 2013 Premier Cru. All Rights Reserved. Privacy Policy.

ORDER DETAILS

Order No.: SO-0000196003
Order Date: Nov 2, 2012
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Chateauneuf Cuvee Imperiale, R. Usseglio, 750 ml	1	0	1	1	$79.99	$79.99

Subtotal: $79.99

Tax: $0.00

Total: $79.99

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Chateauneuf Cuvee Imperiale, R. Usseglio, 750 ml	1	0	1

© Copyright 2013 Premier Cru. All Rights Reserved. Privacy Policy.

ORDER DETAILS

Order No.: SO-0000[illegible]
Order Date: Jan [illegible], 2014
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
1996 Krug, 750 ml	1	0	1	0	$349.99	$349.99

Subtotal: $349.99
Tax: $0.00
Total: $349.99

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
1996 Krug, 750 ml	1	0	1

© Copyright 2013 Premier Cru. All Rights Reserved. Privacy Policy.

ORDER DETAILS

Order No.: SO-0000[illegible]
Order Date: Mar 15, 2015
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Brunello di Montalcino, Cerbaiona, 750 ml	1	0	1	0	$169.99	$169.99

Subtotal: $169.99
Tax: $0.00
Total: $169.99

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Brunello di Montalcino, Cerbaiona, 750 ml	1	0	1

© Copyright 2013 Premier Cru. All Rights Reserved. Privacy Policy.

ORDER DETAILS

Order No.: SO-0000[illegible]
Order Date: Sep 21, 2015
Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Chianti Classico Riserva Vigna del Sorbo, Fontodi, 750 ml	1	0	1	0	$49.99	$49.99
2004 Dom Perignon Magnum, 1.5 L	1	0	1	0	$209.99	$209.99

Subtotal: $259.98

Tax: $0.00

Total: $259.98

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Chianti Classico Riserva Vigna del Sorbo, Fontodi, 750 ml	1	0	1
2004 Dom Perignon Magnum, 1.5 L	1	0	1

From: **James Gillerman** james@premiercru.net
Subject: RE: Sales Order From Premier Cru at Premier Cru
Date: September 3, 2014 at 11:33 AM
To: Tim Branton timbranton@me.com

Hello Tim,

Remember you can always see all your bottles and their arrival status here on the website at www.premiercru.net under your account, so that is a place you can always check 24/7. You can also arrange for shipments from there if you wish, once your bottles are here of course.

Yes I see you have 3 bottles on order through us.

This bottle is here in stock, and can ship out whenever you choose to schedule it:

1 x 2010 Chateauneuf Cuvee Imperiale, R. Usseglio

Your other 2 bottles are pre-arrivals still. Thanks for your patience:

1 x 96 Krug (recently ordered)
1 x 2010 Lafite Rothschild 3 Liter (ordered late 2012)

Your 96 Krug will come from a parcel of the wine we just purchased over in Europe, shortly before you purchased it from us. The wine is instructive of the way we work. We have already received through here well over 1,100 bottles of this wine, way more bottles of the wine than most other stores will ever sell in total. Along with the fact that we are a direct importer, the very large size of our purchases means that the prices we charge for the wines are VERY good, as you probably already know. And yet, we have more than 500 more bottles of the wine yet to arrive here, including your bottle. We are once again sold out of the wine currently. We have purchased the wine in 6 additional parcels, some from the same negociant supplier, some from different ones. We allocate arriving bottles in the order they were purchased from us. Until a bottle corresponding with your place in the queue for the wine is actually loaded on one of our refrigerated containers on the water from Europe, we really are just guessing as to how many of which specific bottles will get here when, to reach a given place in the queue. Sometimes it does take us quite a while to get delivery of our large mixed parcels, consolidate them into 13,000 bottle lots in Europe and bring them over here under temperature control. As a recent purchaser, you are still pretty far down in that queue for the Krug. However all the wine is wine we too have purchased, and all of it will get here presently. Again thanks for your patience.

The numbers are not nearly as large on the large format Lafite, but the principle is indeed the same. This wine is not an individual order we made, but part of a huge parcel of Bordeaux. It is common that large formats (and half bottles for that matter) lag far behind the 750ml bottles here. We are still receiving huge quantities of 2010 Bordeaux. This bottle too will get here for you presently.

My best guess, and it really is just a guess at this point, is that the Lafite will likely get here by the end of the year, or early next. Huge amounts of 2010s will make it here by then. It is highly unlikely that the Krug will make it here by then. My best guess on that one would be spring months of next year, based on when and from whom we purchased that particular parcel.

Again we can ship anything in stock at any time you wish, or consolidate your arrivals here under temperature contol pending more arrivals, more in stock orders or better shipping weather. We will never just ship automatically, and will always wait for your specific shipping instructions. While we can package your 750ml bottles together to reduce per-bottle shipping costs, the large format needs to ship on its own, so it will not matter economically if you ship that one at the same time as other wines, just FYI.

Thank you for your business!

Regards,

James Gillerman

==========

James Gillerman
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: james@premiercru.net
Web: www.premiercru.net

From: Tim Branton [mailto:timbranton@me.com]
Sent: Wednesday, September 03, 2014 11:10 AM
To: Premier Cru
Subject: Re: Sales Order From Premier Cru at Premier Cru

Hello Premier Cru,
Wondering if you can give me an update on the arrival of the 3 bottles I've ordered from you?
Cheers,
Tim

Sent from my iPhone.

Tim Branton
Senior Mastering Engineer
Joao Carvalho Mastering Inc.
tim@joaocarvalhomastering.com
416.726.1442

On Jun 13, 2014, at 6:20 PM, Premier Cru <james@premiercru.net> wrote:

THIS DOCUMENT WAS RETRIEVED