

Fill in this information to identify the case:

Debtor 1 dba Premier Cru

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

LM 10:44 a.m.
FILED
FEB 9 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

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?

Biren Sood

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?

Where should notices to the creditor be sent?

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

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Biren Sood

Name

Name

47 Ellenwood Avenue

Number Street

Number Street

Los Gatos

CA

95030

City

State

ZIP Code

City

State

ZIP Code

Contact phone 408-209-1142

Contact phone

Contact email biren_sood@hotmail.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?

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? \$ 359.97. 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 but not 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)?

☒ 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 01/26/2016
MM / DD / YYYY

Signature

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

Name Biren Sood

First name

Middle name

Last name

Title _____

Company _____

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

Address 47 Ellenwood Avenue

Number Street

Los Gatos

CA

95030

City

State

ZIP Code

Contact phone 408-209-1142

Email biren_sood@hotmail.com

RE: Open Order

Proof of claim

Biren

Sun 11/30/2014 3:42 AM

To: James Gillerman <james@premiercru.net>;

Hi James - Can we go ahead and ship out these 3 remaining bottles? Let me know what you need from me to make this happen.

Thanks & Best,
- Biren.

From: james@premiercru.net
To: biren_sood@hotmail.com
Subject: RE: Open Order
Date: Mon, 25 Aug 2014 11:55:19 -0700

Hello Biren,

Yes your 3 x **07 Chateaufeuf Clos des Papes, Avril** are here in stock now, as shown on the website under your account. I see nothing else remaining on your account. You are welcome to arrange a shipment or pickup whenever you wish, with sufficient advance warning. You can schedule via e-mail, telephone or on the website at www.premiercru.net under your account. We await your instructions whenever you are ready. Thanks for your business.

Regards,

James Gillerman

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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: Biren [mailto:biren_sood@hotmail.com]
Sent: Sunday, August 24, 2014 8:50 PM
To: James Gillerman
Subject: RE: Open Order

James - Can you advise if my remaining open order wines have arrived?

Thanks & Best,
- Biren.

From: james@premiercru.net
To: biren_sood@hotmail.com
Subject: RE: Open Order
Date: Thu, 6 Jun 2013 10:23:44 -0700

Hi Biren,

Certainly we can ship this next week if you wish.

+ Please confirm we will be shipping to your **47 Ellenwood Avenue** address on file, to which we have shipped previously.

+ If we ship via UPS Ground (cheapest), it should take a single business day. We can easily schedule these to ship out on Monday 6-10, if that works for you; or any other day next week that may work better for you. Please confirm. We do remind you pro forma that any temperature risks of shipping are yours not ours.

+ We need a current credit card to which to bill shipping costs. Your most recent card on file x5026 shows as expired. Please e-mail a current expiration date for this card if appropriate. We also have other expired cards on file x4029, x5244 and x3021 if you have updates for any of these instead. If you have a completely new card, you can telephone us, or you can use the secure website at www.premiercru.net to update your Billing Information (e-mail me if you use the website to update).

I now await the card update and your confirmations, and we can get you the bottles next week. Thanks for your business.

Regards,

James Gillerman

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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: Biren Sood [mailto:biren_sood@hotmail.com]

Sent: Thursday, June 06, 2013 10:15 AM

To: James Gillerman

Subject: RE: Open Order

Hi James -

Thanks for this email. I was waiting for a good time to make the shipment and am hopeful now is a good time.

Can we schedule shipment of the bottles for delivery next week?

Thanks in advance,

- Biren.

From: james@premiercru.net

To: biren_sood@hotmail.com

Subject: RE: Open Order

Date: Tue, 4 Dec 2012 15:20:44 -0800

Hello Biren,

These 12 bottles are now here and available for shipment or pickup whenever you wish, with advance warning:

1 x 06 La Mission Haut Brion

1 x 05 Latour

3 x 06 Leoville las Cases

2 x 06 Leoville las Cases

3 x 06 Leoville las Cases

2 x 05 l'Evangile

These 3 bottles are pre-arrivals still. Thanks for your continued patience:

3 x 07 Chateaufort Clos des Papes, Avril

Those last bottles too will migrate here presently, but they are not here quite yet. My best guess for arrival of the CdP would be around the end of the first quarter next year, or the beginning of the 2nd. Again thanks for your patience.

In the meantime, we can ship the in stock bottles whenever you wish, or you can come pick them up at the store. We do need a few days advance warning to schedule a shipment or pickup, so let us know the details should you want to do either one.

Thanks for your business.

Regards,

James Gillerman

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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: Biren Sood [mailto:biren_sood@hotmail.com]

Sent: Tuesday, December 04, 2012 11:19 AM

To: james@premiercru.net

Subject: FW: Open Order

James- Can you please advise on this?

From: biren_sood@hotmail.com

To: james@premiercru.net

Subject: RE: Open Order

Date: Thu, 22 Nov 2012 19:11:45 +0000

Hi James - I am checking back in with you on this.

Here are the SO's I still see open. Can you let me know how we are looking on these? We are now over 4 years since ordered.

Let me know,

- Biren.

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
<u>SO-0000311844</u> (Open)	\$359.97	3	0	3	0	1/31/09
<u>SO-0000309645</u> (Open)	\$569.85	3	0	3	0	12/20/08
<u>SO-0000308224</u> (Open)	\$619.98	2	0	2	0	12/2/08
<u>SO-0000297746</u> (Open)	\$779.89	3	1	2	0	6/12/08
<u>SO-0000295882</u> (Open)	\$569.85	3	0	3	0	5/17/08
<u>SO-0000293611</u> (Open)	\$550.00	1	0	1	0	4/19/08
<u>SO-0000281257</u> (Open)	\$1,449.95	2	1	1	1	11/10/07

From: james@premiercru.net

To: biren_sood@hotmail.com

Subject: RE: Open Order

Date: Sat, 11 Feb 2012 12:45:42 -0800

Hello Biren,

Your 05 Latour is still here whenever you want it. The other 4 wines are all still pre-arrivals. Thanks for your continued patience. Yes we can sometimes be slow, but we