

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc (Premier Cru)

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

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

FILED

2016 FEB -9 AM 10:33

U.S. BANKRUPTCY COURT  
NORTHERN DIST. OF CAL.  
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?

Susan S Hubbard

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?

Susan S Hubbard

Name

20 Poppy Ln

Number Street

Berkeley

City

CA

State

94708

ZIP Code

Contact phone 510-847-1646

Contact email susanhubbard.lbl@gmail.com

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

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?

☒ 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? \$ 5,163.29. 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 and not delivered (See Attachment)

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 01/29/2016  
MM / DD / YYYY



Signature

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

Name Susan Sharpless Hubbard  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_

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

Address 20 Poppy Ln  
Number Street

Berkeley CA 94708  
City State ZIP Code

Contact phone 510-847-1646 Email susanhubbard.lbl@gmail.com

Date	Order#	Item#	Description	Price/Btl	# Bottles	Total
10/5/12	393614	43543	09 Talbot	\$39.99	2	\$79.98
11/7/11	366376	44793	09 Chateauneuf Les Cailloux, Brunel	\$39.99	4	\$159.96
2/19/10	333409	40353	07 Cotes du Roussillon VV, Gauby	\$25.00	1	\$25.00
2/19/10	333409	39262	07 Chateauneuf du Pape, Marcoux	\$35.00	1	\$35.00
2/19/10	333409	39716	07 Costieres de Nimes Galets Rouge, Mourgues du Gres	\$10.00	1	\$10.00
2/19/10	333409	39397	07 Chateauneuf Cuvee Prestige, Sabon	\$40.00	1	\$40.00
2/19/10	333409	40574	07 Chateauneuf du Pape, Saint Siffrein	\$29.99	1	\$29.99
2/19/10	333409	40664	07 Gigondas Tradition, Santa Duc	\$25.00	1	\$25.00
						\$404.93

Here are the items that I have expected arrival windows for:

7/27/13	419599	47492	04 Taittinger Comtes de Champagne Blanc de Blancs	\$99.99	1	\$99.99
1/4/14	432994	47264	2011 Chambolle Musigny Les Baudes 1/2, Jadot	\$24.99	2	\$49.98
11/7/14	460415	49281	2012 Chablis Clos, Fevre	\$89.99	1	\$89.99
11/7/14	460415	49274	2012 Chablis Fourchaume, Fevre	\$43.99	1	\$43.99
11/7/14	460415	49279	2012 Chablis Valmur, Fevre	\$79.99	2	\$159.98
7/9/14	449162	49280	2012 Chablis Vaudesir, Fevre	\$51.99	2	\$103.98
11/7/14	460415	49280	2012 Chablis Vaudesir, Fevre	\$79.99	2	\$159.98
10/29/14	459559	49275	2012 Chablis Vaulorent, Fevre	\$37.04	3	\$111.12
11/7/14	460415	49275	2012 Chablis Vaulorent, Fevre	\$56.99	3	\$170.97
11/9/13	427491	48922	2011 Beaucastel	\$45.00	2	\$90.00
1/4/14	432994	49039	2012 Vieux Telegraphe	\$39.99	4	\$159.96
10/26/14	459259	50741	2012 Clos Vougeot, Ponsot	\$269.99	1	\$269.99
1/10/15	466627	51388	2013 Chablis Les Clos, Fevre	\$51.99	2	\$103.98
12/27/14	465577	51381	2013 Chablis Montee de Tonnerre, Fevre	\$29.99	3	\$89.97
12/27/14	465577	51385	2013 Chablis Valmur, Fevre	\$45.00	2	\$90.00
12/27/14	465577	51386	2013 Chablis Vaudesir, Fevre	\$45.00	2	\$90.00
12/27/14	465577	51382	2013 Chablis Vaulorent, Fevre	\$32.99	2	\$65.98
9/14/13	422873	48209	2010 Tignanello, Antinori	\$59.99	1	\$59.99
3/25/14	440471	49569	2010 Barolo Pajana, Clerico	\$59.99	2	\$119.98
4/3/14	441183	49569	2010 Barolo Pajana, Clerico	\$59.99	2	\$119.98
6/17/14	447668	49572	2010 Barolo Sori Ginestra, Conterno-Fantino	\$69.99	1	\$69.99

6/17/14	447668	49310	2010 Barolo Vigna Chiniera, Grasso	\$84.99	1	\$84.99
9/14/13	422873	48354	2011 Galatrona, Petrolo	\$59.99	1	\$59.99
4/27/13	411262	47708	2010 Chateauneuf Domaine de Terre Ferme, Jaboulet	\$32.99	2	\$65.98
6/15/12	383904	43010	06 Gigondas Les Souleyrades, Saint Damien	\$17.99	4	\$71.96
3/21/15	473956	51210	04 Rioja Gran Reserva 904, La Rioja Alta	\$29.99	3	\$89.97
2/11/15	469864	51670	2010 Brunello di Montalcino Montosoli, Altesino	\$49.99	3	\$149.97
4/4/15	475200	51986	2010 Brunello di Montalcino, Altesino	\$29.99	2	\$59.98
12/19/14	464806	51299	2010 Brunello di Montalcino, Argiano	\$48.99	1	\$48.99
12/4/14	463066	51264	2010 Brunello di Montalcino, di Neri	\$39.99	3	\$119.97
12/19/14	464806	51264	2010 Brunello di Montalcino, di Neri	\$39.99	2	\$79.98
12/4/14	463066	51257	2010 Brunello di Montalcino Pianrosso, Piccolomini	\$59.99	2	\$119.98
12/4/14	463066	51263	2010 Brunello di Montalcino Castelgiocondo, Frescobaldi	\$49.99	2	\$99.98
2/11/15	469864	51342	2010 Brunello di Montalcino, Pacenti	\$79.99	1	\$79.99
1/4/14	432994	47898	2012 Leoville las Cases	\$79.99	3	\$239.97
6/7/14	446683	47898	2012 Leoville las Cases	\$83.99	3	\$251.97
11/23/13	428522	49044	2012 Beaucastel 1/2	\$24.99	4	\$99.96
						\$4,043.43

There are a few items that are on purchase by us, but I don't have an eta for:

9/14/13	422873	39452	04 Brunello di Montalcino Pianrosso, Ciacci Piccolomini	\$45.00	3	\$135.00
9/14/13	422873	44017	08 Oreno, Sette Ponti	\$39.99	3	\$119.97
3/25/14	440471	43942	2010 Lynch Bages	\$149.99	2	\$299.98
12/15/12	399510	46060	2011 Lynch Bages	\$59.99	2	\$119.98
						\$674.93

And here are 2 items that the original supplier has defaulted on the order, and we would need to issue a refund or store credit:

2/19/10	333409	39394	07 Chateauneuf Les Cailloux, Brunel	\$25.00	1	\$25.00
2/19/10	333409	40091	07 Cotes du Rhône Villages Terre d'Argile, Janasse	\$15.00	1	\$15.00
						\$40.00

TOTAL \$5,163.29



BERKELEY LAB

John Peterson &lt;jepeterson@lbl.gov&gt;

**Fwd: account overview**

Susan Hubbard <sshubbard@lbl.gov>  
 To: John Peterson <jepeterson@lbl.gov>

Fri, Sep 4, 2015 at 2:47 PM

Sent from my iPhone

Begin forwarded message:

**From:** "Whitney Jacobson" <whitney@premiercru.net>  
**Date:** September 4, 2015 at 12:41:23 PM PDT  
**To:** <sshubbard@lbl.gov>  
**Subject:** account overview

Hello Susan,

I've finished your overview, and have the results below. To start, here's what we have available for pickup right now. (We are closed for the holiday weekend, so the soonest available pick up time would be next Tuesday):

10/05/2012	0000393614	43543	09 Talbot	\$39.99	2
11/07/2011	0000366376	44793	09 Chateauneuf Les Cailloux, Brunel	\$39.99	4
02/19/2010	0000333409	40353	07 Cotes du Roussillon VV, Gauby	\$25.00	1
02/19/2010	0000333409	39262	07 Chateauneuf du Pape, Marcoux	\$35.00	1
02/19/2010	0000333409	39716	07 Costieres de Nimes Galets Rouge, Mourgues du Gres	\$10.00	1
02/19/2010	0000333409	39397	07 Chateauneuf Cuvee Prestige, Sabon	\$40.00	1
02/19/2010	0000333409	40574	07 Chateauneuf du Pape, Saint Siffrein	\$29.99	1
02/19/2010	0000333409	40664	07 Gigondas Tradition, Santa Duc	\$25.00	1

Here are the items that I have expected arrival windows for:

07/27/2013	0000419599	47492	04 Taittinger Comtes de Champagne Blanc de Blancs	\$99.99	1	fall 2015
01/04/2014	0000432994	47264	2011 Chambolle Musigny Les Baudes 1/2, Jadot	\$24.99	2	fall 2015
11/07/2014	0000460415	49281	2012 Chablis Clos, Fevre	\$89.99	1	fall 2015
11/07/2014	0000460415	49274	2012 Chablis Fourchaume, Fevre	\$43.99	1	fall 2015
11/07/2014	0000460415	49279	2012 Chablis Valmur, Fevre	\$79.99	2	fall 2015
07/09/2014	0000449162	49280	2012 Chablis Vaudesir, Fevre	\$51.99	2	fall 2015
11/07/2014	0000460415	49280	2012 Chablis Vaudesir, Fevre	\$79.99	2	fall 2015
10/29/2014	0000459559	49275	2012 Chablis Vaurent, Fevre	\$37.04	3	fall 2015
11/07/2014	0000460415	49275	2012 Chablis Vaurent, Fevre	\$56.99	3	fall 2015
11/09/2013	0000427491	48922	2011 Beaucastel	\$45.00	2	fall 2015
01/04/2014	0000432994	49039	2012 Vieux Telegraphe	\$39.99	4	fall 2015
10/26/2014	0000459259	50741	2012 Clos Vougeot, Ponsot	\$269.99	1	winter 2015
01/10/2015	0000466627	51388	2013 Chablis Les Clos, Fevre	\$51.99	2	winter 2015
12/27/2014	0000465577	51381	2013 Chablis Montee de Tonnerre, Fevre	\$29.99	3	winter 2015
12/27/2014	0000465577	51385	2013 Chablis Valmur, Fevre	\$45.00	2	winter 2015
12/27/2014	0000465577	51386	2013 Chablis Vaudesir, Fevre	\$45.00	2	winter 2015
12/27/2014	0000465577	51382	2013 Chablis Vaurent, Fevre	\$32.99	2	winter 2015
09/14/2013	0000422873	48209	2010 Tignanello, Antinori	\$59.99	1	winter 2015
03/25/2014	0000440471	49569	2010 Barolo Pajana, Clerico	\$59.99	2	winter 2015
04/03/2014	0000441183	49569	2010 Barolo Pajana, Clerico	\$59.99	2	winter 2015
06/17/2014	0000447668	49572	2010 Barolo Sori Ginestra, Conterno-Fantino	\$69.99	1	winter 2015

06/17/2014	0000447668	49310	2010 Barolo Vigna Chiniera, Grasso	\$84.99	1	winter 2015
09/14/2013	0000422873	48354	2011 Galatrona, Petrolo	\$59.99	1	winter 2015
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06/15/2012	0000383904	43010	06 Gigondas Les Souteyrades, Saint Damien	\$17.99	4	winter 2015
03/21/2015	0000473956	51210	04 Rioja Gran Reserva 904, La Rioja Alta	\$29.99	3	winter 2015
02/11/2015	0000469864	51670	2010 Brunello di Montalcino Montosoli, Altesino	\$49.99	3	spring 2016
04/04/2015	0000475200	51986	2010 Brunello di Montalcino, Altesino	\$29.99	2	spring 2016
12/19/2014	0000464806	51299	2010 Brunello di Montalcino, Argiano	\$48.99	1	spring 2016
12/04/2014	0000463066	51264	2010 Brunello di Montalcino, di Neri	\$39.99	3	spring 2016
12/19/2014	0000464806	51264	2010 Brunello di Montalcino, di Neri	\$39.99	2	spring 2016
12/04/2014	0000463066	51257	2010 Brunello di Montalcino Pianrosso, Piccolomini	\$59.99	2	spring 2016
12/04/2014	0000463066	51263	2010 Brunello di Montalcino Castelgiocondo, Frescobaldi	\$49.99	2	spring 2016
02/11/2015	0000469864	51342	2010 Brunello di Montalcino, Pacenti	\$79.99	1	spring 2016
01/04/2014	0000432994	47898	2012 Leoville las Cases	\$79.99	3	2016
06/07/2014	0000446683	47898	2012 Leoville las Cases	\$83.99	3	2016
11/23/2013	0000428522	49044	2012 Beaucastel 1/2	\$24.99	4	2016

There are a few items that are on purchase by us, but I don't have an eta for:

09/14/2013	0000422873	39452	04 Brunello di Montalcino Pianrosso, Ciacci Piccolomini	\$45.00	3
09/14/2013	0000422873	44017	08 Oreno, Sette Ponti	\$39.99	3
03/25/2014	0000440471	43942	2010 Lynch Bages	\$149.99	2
12/15/2012	0000399510	46060	2011 Lynch Bages	\$59.99	2

And here are 2 items that the original supplier has defaulted on the order, and we would need to issue a refund or store credit:

02/19/2010	0000333409	39394	07 Chateauneuf Les Cailloux, Brunel	\$25.00	1
02/19/2010	0000333409	40091	07 Cotes du Rhone Villages Terre d'Argile, Janasse	\$15.00	1

Please let me know if you have any questions. I will be out of the office for the holiday weekend, but will be back in next tuesday.

Have a good weekend,

Whitney Jacobson

Premier Cru - the world's finest wines

1011 University Avenue

Berkeley, CA 94710

phone (510) 644-9463 ext. 17

[whitney@premiercru.net](mailto:whitney@premiercru.net)