

Fill in this information to identify the case:

Debtor 1 FOX ORTEGA ENTERPRISES, INC
d/b/a PREMIER CPJ
Debtor 2 _____
(Spouse, if filing)
United States Bankruptcy Court for the: NORTHERN District of CALIFORNIA
Case number 16-40050 WJL7

LM 11:17a-m
FILED
FEB 10 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?	<u>JACK E. COHEN</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? Name <u>JACK E. COHEN</u> Number <u>152</u> Street <u>STONE CREEK DR.</u> City <u>DANFORD</u> State <u>OHIO</u> ZIP Code <u>45056</u> Contact phone <u>513 470 8483-CELL</u> Contact email <u>DANIELCOHEN@ENTERPRISES@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 ____/____/____		
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? \$ 2322.41 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 BROUGHT AND PAID FOR BUT
NEVER 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: _____

I AM IN THE PROCESS OF TRYING TO DISPUTE SOME
OF CREDIT CARD CHARGES

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.

020624
52-000046039

3 BOTTLES I OWNED BUT IN 570 9A66

97.48

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

1-29-2016
MM / DD / YYYY

Signature

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

Name

First name

Middle name

Last name

Title

Company

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

Address

Number

Street

City

State

ZIP Code

Contact phone

Email

152 STONE CREEK DR.

OXFORD

OHIO

45056

513 470 8483-CELL

DANIELCHENENTERPRISES

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ORDER HISTORY

All Time

Sort By Order No

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
SO-0000488081 (Open)	\$135.00	3	0	3	0	8/22/15
SO-0000488072 (Open)	\$149.97	3	0	3	0	8/22/15
SO-0000481301 (Open)	\$219.98	2	0	2	0	6/13/15
SO-0000478011 (Open)	\$209.97	3	0	3	0	5/4/15
SO-0000478700 (Open)	\$115.03	3	0	3	0	4/19/15
SO-0000456039 (Open)	\$97.48	3	0	3	0	9/23/14
SO-0000454871 (Open)	\$111.13	3	0	3	0	9/9/14
SO-0000453043 (Open)	\$89.97	3	0	3	0	8/22/14
SO-0000428674 (Open)	\$219.96	4	0	4	0	11/23/13
SO-0000420531 (Open)	\$270.00	2	0	2	0	8/10/13
SO-0000418651 (Open)	\$63.98	2	0	2	0	7/18/13
SO-0000417137 (Open)	\$350.00	2	0	2	0	6/29/13
SO-0000415830 (Open)	\$289.94	6	4	2	0	6/16/13

WASH OVER
18 MONTHS D

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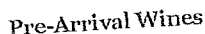
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Store Hours

Monday - Friday 10am - 6pm

Saturday 10am - 5pm

Sunday 12pm - 5pm



Pre-Arrival Wines
The term 'pre-arrival' is applied to wines that we offer for sale (typically abroad) that have not arrived yet. Depending on the particular wine, the arrival time is typically 6+ months to over two years (in the case of Bordeaux Futures, for example).

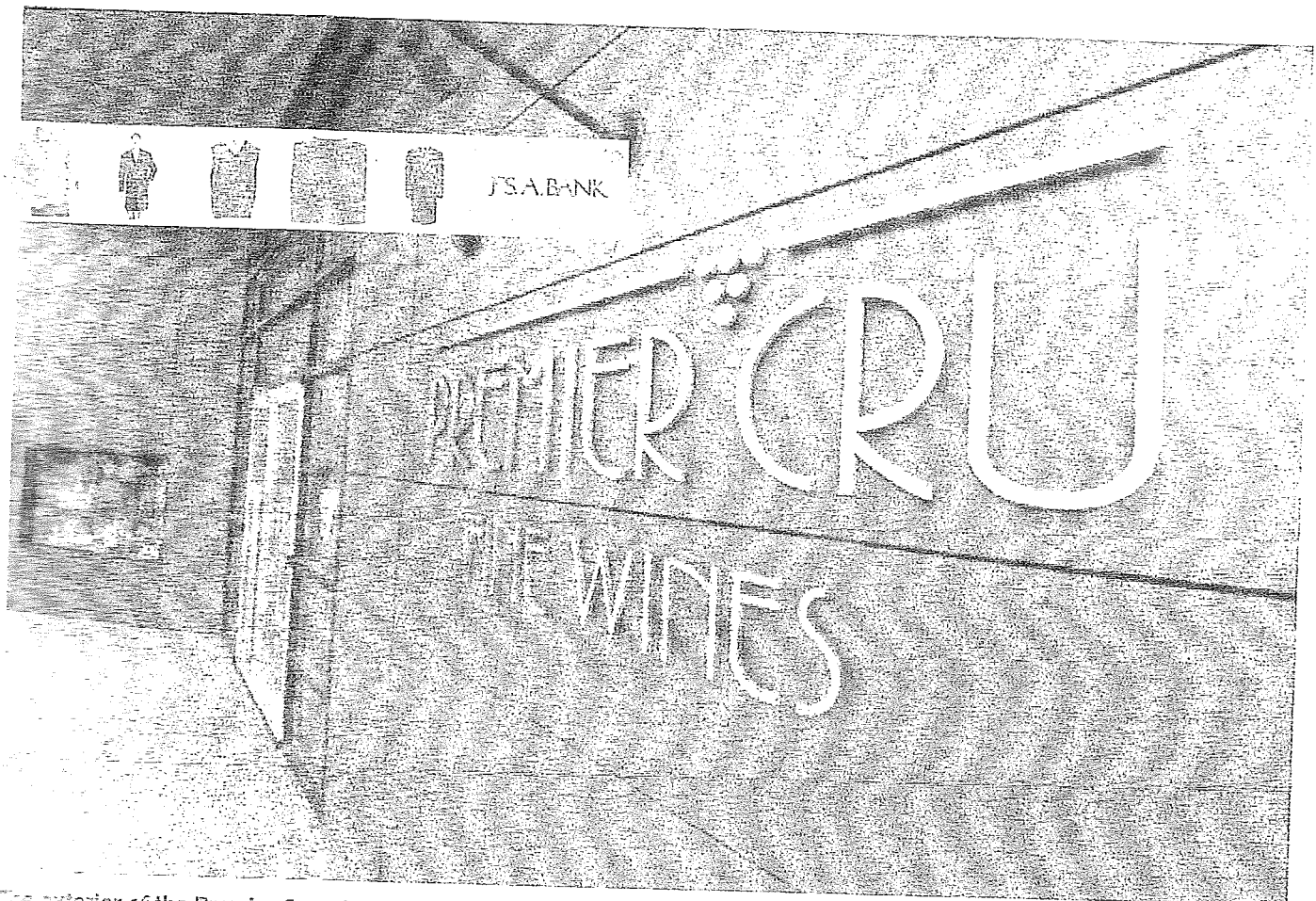
Many new releases of highly desirable, limited-production wines (ie - Burgundy, Rhone, Italian, etc.) are offered on a "Pre-Arrival" basis by our suppliers. These offerings typically take 6 to 18 months to arrive and are often the only way to source the wines before they sell out (and at optimal prices). We send an email notification when your wines arrive.



Accused of running a pyramid scheme, embattled Berkeley wine store shifts to online-only sales

By Matthias Gafni mgafni@bayareanewsgroup.com

Thursday, Dec. 17, 2015 - 7:10 a.m.



The exterior of the Premier Cru wine shop is seen in Berkeley, Calif., on Monday, Nov. 30, 2015. (Kristopher Skinner/Bay Area News Group) (Kristopher Skinner)

BERKELEY -- An embattled wine business announced it is closing its University Avenue

...e this week, days after this newspaper reported Premier Cru was facing at least 10 lawsuits over the past year claiming more than \$5 million in wine was never delivered to customers.

"Due to the high volume of calls, we are unable to answer the phone right now. We are currently transitioning to online sales only," an unidentified woman announces on a recorded message, which plays during and after business hours.

In less than two weeks after this newspaper's first report, three more investors have sued Premier Cru, sharing the same story: they paid for expensive bottles of wine and for wine futures -- vintages still aging and not yet bottled, but never received the products and then were fed never-ending excuses for the delays and failures to refund.

In online wine forums, frustrated customers have shared stories about how they went to the store and demanded whatever wine they had in stock. Others strategized on getting refunds from credit card companies, while some simply crossed their fingers that their wine would eventually be delivered. This newspaper fielded calls from customers in the Bay Area, across the country and as far away as Mexico, seeking advice on how to get their wine or refunds -- or desperate for some good news.

In the new and old lawsuits the investors, many of them from overseas, accuse Premier Cru of running a wine pyramid scheme of sorts. One caller said he filed a formal fraud complaint with the Alameda County District Attorney's Office.

Advertisement

7/5/15 (3)

ORDER HISTORY

All Time

Sort By Order No

Item	Unit Price	Qty	Shipped	Remain	Avail	Order Number (Status)	Date
2013 Chablis Cote de Bouguerots, Fevre, 750 ml	\$45.00	3	0	3	0	SO-0000488081 (Open)	8/22/15
2012 Beaucastel, 750 ml	\$49.99	3	0	3	0	SO-0000488072 (Open)	8/22/15
2007 Roederer Cristal, 750 ml	\$109.99	2	0	2	0	SO-0000481301 (Open)	6/13/15
2012 Pape Clement, 750 ml	\$69.99	3	0	3	0	SO-0000478011 (Open)	5/4/15
2010 Chateauneuf Les Origines, Grand Veneur, 750 ml	\$38.34	3	0	3	0	SO-0000476700 (Open)	4/19/15
2011 Chateauneuf du Pape Cuvee Reservee, Pegau, 750 ml	\$32.49	3	0	3	0	SO-0000456039 (Open)	9/23/14
2011 Le Carre, 750 ml	\$37.04	3	0	3	0	SO-0000454871 (Open)	9/9/14
2010 Chablis Mont de Milieu, Billaud-Simon, 750 ml	\$29.99	3	0	3	0	SO-0000453043 (Open)	8/22/14
2012 Beaucastel, 750 ml	\$49.99	2	0	2	0	SO-0000428674 (Open)	11/23/13
2010 Gevrey Lavaux St Jacques V.V., Laurent, 750 ml	\$59.99	2	0	2	0	SO-0000428674 (Open)	11/23/13
2005 Roederer Cristal, 750 ml	\$135.00	2	0	2	0	SO-0000420581 (Open)	8/10/13
2009 San Roman, Bodegas Y Vinedos Maurodos, 750 ml	\$31.99	2	0	2	0	SO-0000418651 (Open)	7/18/13
1999 Egly-Ouriet Brut Grand Cru Magnum, 1.5 L	\$175.00	2	0	2	0	SO-0000417137 (Open)	6/29/13
2009 Laforge, 750 ml	\$49.99	2	0	2	0	SO-0000415830 (Open)	6/16/13

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