

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc.

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050

FILED

2016 FEB 16 AM 11:19

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?	<u>Michael Laieski</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>Michael Laieski</u> Name <u>P.O. Box 72028</u> Number Street <u>Phoenix AZ 85050</u> City State ZIP Code Contact phone <u>602-717-5731</u> Contact email <u>michaellaieski@gmail.com</u>	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?	<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? \$ 2,224.96 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 Futures 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)?

☐ 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).

\$ 2,224.96

☐ 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.

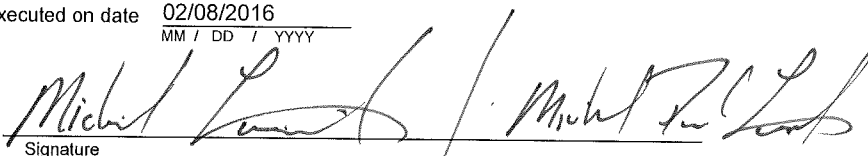
I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

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 02/08/2016

MM / DD / YYYY


Signature

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

Name Michael Paul Laieski
First name Middle name Last name

Title _____

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

Address P.O. Box 7028
Number Street
Phoenix AZ 85050
City State ZIP Code

Contact phone 602-717-5731 Email michaellaieski@gmail.com

MICHAEL LAIESKI

Acct # 00004147202118342979

January 31, 2016

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41472021183429790000250000149582000000000

Payment Due Date: 04/24/14
New Balance: \$1,495.82
Minimum Payment: \$25.00

Account number: 4147 2021 1834 2979

\$ Amount Enclosed
Make your check payable to: Chase Card Services

33669 BEX 9 00614 C
MICHAEL LAIESKI
PO BOX 72028
PHOENIX AZ 85050-1018



CARDMEMBER SERVICE
PO BOX 94014
PALATINE IL 60094-4014

500016028 35921183429795



Manage your account online:
www.chase.com/southwest

Customer Service:
1-800-792-0001

Mobile: Visit chase.com
on your mobile browser

ACCOUNT SUMMARY

Account Number: 4147 2021 1834 2979

Previous Balance	\$1,590.29
Payment, Credits	-\$3,180.59
Purchases	+\$3,086.11
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
New Balance	\$1,495.82

Opening/Closing Date	02/28/14 - 03/27/14
Credit Access Line	\$6,000
Available Credit	\$4,504
Cash Access Line	\$1,200
Available for Cash	\$1,200
Past Due Amount	\$0.00
Balance over the Credit Access Line	\$0.00

PAYMENT INFORMATION

New Balance	\$1,495.82
Payment Due Date	04/24/14
Minimum Payment Due	\$25.00

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$35.00 and your APR's will be subject to increase to a maximum Penalty APR of 29.99%.

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	8 years	\$2,551
\$52	3 years	\$1,876 (Savings=\$675)

If you would like information about credit counseling services, call 1-866-797-2885.

SOUTHWEST AIRLINES RAPID REWARDS CARD SUMMARY

- + 2X Pts for Southwest and AirTran purchases
- + Points earned on all other purchases
- Total Rapid Rewards transf. to Southwest

0 For more information about your rewards program call
3,087 1-800-792-0001 or visit www.chase.com/southwest. To
3,087 make Southwest flight reservations call
1-800-I-FLY-SWA.

Earn 2 Rapid Rewards® Points per \$1 spent on flights purchased directly through Southwest Airlines® or AirTran® Airways and on participating Rapid Rewards and A+ Rewards Hotel and Rental Car partner purchases. Escape faster by earning 1 Rapid Rewards Point on all other purchases.

ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
PAYMENTS AND OTHER CREDITS		
03/06	Payment Thank You Bill Pay Service	-1,590.29
03/21	Payment Thank You Bill Pay Service	-1,590.29

PURCHASES

02/27	PREMIER CRU 510-6449463 CA	2,224.96
03/01	STARBUCKS CARD RELOAD 800-782-7282 WA	10.00
03/01	QUINOS SUB #13066 PHOENIX AZ	6.49
03/01	FRYS-FOOD-DRG #038 PHOENIX AZ	33.28
03/02	STARBUCKS CARD RELOAD 800-782-7282 WA	10.00
03/02	QT 497 05004973 PHOENIX AZ	6.83
03/02	KITCHEN 56 PHOENIX AZ	34.60
03/03	CVS #8914 PHOENIX AZ	3.24
03/08	STARBUCKS CARD RELOAD 800-782-7282 WA	10.00
03/10	REDBOX *DVDRESERVATION 866-733-2693 IL	1.30
03/13	TRADER JOE'S #090 QPS PHOENIX AZ	68.63

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MICHAEL LAIESKI

Acct # 00004147202118342979

January 31, 2016

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Manage your account online:
www.chase.com/southwest

Customer Service:
1-800-792-0001

Mobile: Visit chase.com
on your mobile browser

ACCOUNT ACTIVITY**(CONTINUED)**

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
03/14	VERIZON WRLS MYACCT VW 800-9220204 CA	212.24
03/16	FRYS-MKTPLACE #612 PHOENIX AZ	42.79
03/17	STARBUCKS CARD RELOAD 800-782-7282 WA	10.00
03/17	NETFLIX.COM NETFLIX.COM CA	8.65
03/23	STARBUCKS CARD RELOAD 800-782-7282 WA	10.00
03/23	TARGET 00013607 PHOENIX AZ	136.57
03/22	TOTTIES ASIAN FUSION 2 SCOTTSDALE AZ	51.00
03/26	PAYPAL *TAX SERVICE 402-935-7733 CA	150.00
03/26	QUIZNOS #13066 PHOENIX AZ	11.35
03/26	WHOLEFDS SCT 10246 SCOTTSDALE AZ	33.90
03/26	KRISPY KREME #912 PHOENIX AZ	10.28

2014 Totals Year-to-Date

Total fees charged in 2014	\$99.00
Total interest charged in 2014	\$0.00

Year-to-date totals do not reflect any fee or interest refunds you may have received.

INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance Type	Annual Percentage Rate (APR)	Balance Subject To Interest Rate	Interest Charges
PURCHASES			
Purchases	15.24% (v)	-0-	-0-
CASH ADVANCES			
Cash Advances	19.24% (v)	-0-	-0-
BALANCE TRANSFERS			
Balance Transfer	15.24% (v)	-0-	-0-

(v) = Variable Rate

26 Days in Billing Period

Please see Information About Your Account section for the Calculation of Balance Subject to Interest Rate, Annual Renewal Notice, How to Avoid Interest on Purchases, and other important information, as applicable.

MICHAEL LAIESKI

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Statement Date: 03/27/14

01688 MA MA 33688 03610000040003368802

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Michael Laieski <michaellaieski@gmail.com>

RE: Your Premier Cru Order 438447

james@premiercru.net <james@premiercru.net>
To: Michael Laieski <michaellaieski@gmail.com>

Mon, Jul 28, 2014 at 11:39 AM

Hello Michael,

I see you have 5 bottles on order here: 4 x 2010 Bordeaux and 1 x 2012 Bordeaux. All 5 bottles are pre-arrivals still, as they were when you ordered them earlier this year. All will get here for your presently, and we thank you for your patience.

Of course the 2012 Bordeaux is not yet bottled, much less released and imported. We expect to START seeing these wines in this country around the autumn months of 2015, and they will continue to arrive for a year or so following. We allocate arriving bottles here in the order purchased from us. You are early enough in the queue for the 2012s that there is a good chance you will see your wine toward the beginning of the arrivals.

2010 Bordeaux started to appear last autumn, and continues to flood in with every arriving refrigerated container from Europe. These are wines we purchased (and sold) in extremely large quantities. The vintage is superb, so these were very popular wines. We started selling these wines almost 3 years before you purchased, so the queues were quite long. They get shorter for you with each arriving container, but we are not yet there for you with any of the 4 wines.

We purchase wines (Bordeaux especially) in staggeringly large quantities, and in huge mixed parcels. We do our own direct importing. This is why our pricing on the wines is so very good, as you no doubt have noticed. Yes sometimes it does take quite a while to get each parcel of the wine delivered to us in Europe, consolidated with about 13,000 other bottles and imported here in our refrigerated containers. Still we have been delivering high end wines at excellent prices for well over 30 years now. We do deliver the wines we sell, imported and stored under temperature control. All of these are wines we have purchased, and all are coming.

I suspect that many of these bottles will get here in the autumn months, by the end of the year. That is a better time to ship to AZ anyway of course. Until a bottle corresponding to your place in the queue is actually loaded on one of our containers on the water from Europe, we really are just guessing exactly how many of which bottles from which parcels will get here when. We know it is all coming, but timing is always challenging to guess.

Thank you for your business, and once again your patience. These will be well worth the wait, especially at these prices.

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: Michael Laieski [mailto:michaellaieski@gmail.com]
Sent: Sunday, July 27, 2014 11:15 AM
To: james@premiercru.net; Michael Laieski
Subject: Re: Your Premier Cru Order 438447

James Gillerman,

I've noticed that it has been some time that the \$2500 or so order I have with you has been on hold. I've also noticed some of the wines that I have ordered are also available. Can you advise as to when my wine will be available for pickup or shipment?

I very patiently await your reply.

Thanks,

Michael Paul Laieski
michaellaieski@gmail.com
602-717-5731

On Thu, Feb 27, 2014 at 4:12 PM, <james@premiercru.net> wrote:
Hello Michael,

Thank you for your order, e-mailed to you under separate cover. As you know from the website, these are all pre-arrival bottles. You will be notified as these arrive for you and can make appropriate shipping arrangements at that time. You can also always check arrival status of your orders on our website under your account. **We never automatically ship** upon arrival here! You have been billed for the wine but not yet for any shipping costs, and will not be charged for shipping until these actually ship out. Thanks for your business!

Please note that we cannot legally ship to a PO Box, so you will need to provide a physical address to which to ship in future. I looked in your Address Book on the website, and did not find one there. That is one place you can update us as to an appropriate shipping address, or you can just provide that information to us in future when you schedule a shipment. Thanks again.

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



Michael Laieski <michaellaieski@gmail.com>

Re: Order Update

Michael Laieski <michaellaieski@gmail.com>

Fri, Jan 8, 2016 at 2:53 PM

To: Premier Cru <sales@premiercru.net>, mederick@premiercru.net, james@premiercru.net

Cc: "ruthlessdeveloper@hotmail.com" <ruthlessdeveloper@hotmail.com>

Hello.

Really need an update ASAP. I know that lawsuits have started and I was hoping to have the wine I prepaid for in hand very soon. If not, I'd like a full refund as you have provided no products to date. Please let me know what we can reasonably resolve.

Thanks,

Michael Laieski
602-717-5731
323-205-5731
michaellaieski@gmail.com

On Feb 26, 2015, at 9:48 AM, Premier Cru <sales@premiercru.net> wrote:

Hello Michael,

Thank you for your email. We have not received all the 2010 that we have ordered. As these have been ordered at different times. Regarding the 2010 we are getting containers and fulfill the orders chronologically. Therefore currently we cannot provide you an exact ETA, however will update your account when your allocation arrives. Note you will be notified via email once available to you.

Please note you have also ordered 2012 L'Eglise Clinet. Our 2012 will start arriving toward the end of the year and orders will be filled chronologically.

Thanks again for your email.

Best regards,

Mederick Ravel
Premier Cru
1011 University Ave
Berkeley, CA 94710
mederick@premiercru.net
Phone: (510) 644-9463 ext. 19
Fax: (510) 647-3833

-----Original Message-----

From: Michael Laieski [mailto:michaellaieski@gmail.com]

Sent: Wednesday, February 25, 2015 4:15 PM

To: james@premiercru.net

Subject: Order Update

Hello,

Is there any update on the one that I purchased from you? Now that it's 2015 and all the winds are from 2010 I'm curious as to an estimated time of arrival. Please advise ASAP.

Thanks much,

Michael