

**Fill in this information to identify the case:**

Debtor 1 Fox Ortega Enterprises, Inc.  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court Northern District of California  
Case number: 16-40050

FILED  
U.S. Bankruptcy Court  
Northern District of California  
2/28/2016  
Edward J. Emmons, Clerk

**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**

<b>1. Who is the current creditor?</b>	<u>John M. Goldsmith</u> Name of the current creditor (the person or entity to be paid for this claim)  Other names the creditor used with the debtor _____	
<b>2. Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
<b>3. Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b> <u>John M. Goldsmith</u> Name <u>429 Spruce Street</u> <u>Boulder, CO 80302</u>  Contact phone <u>917-226-6793</u> Contact email <u>goldsmithjm@me.com</u>  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	<b>Where should payments to the creditor be sent? (if different)</b> _____ Name _____ Contact phone _____ Contact email _____
<b>4. Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>	<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**

<b>6. Do you have any number you use to identify the debtor?</b>	<div style="display: flex; align-items: flex-start;"><div style="margin-right: 10px;"><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____</div></div>
<b>7. How much is the claim?</b>	<div style="display: flex; align-items: flex-start;"><div style="margin-right: 20px;">\$ 3229.83 _____</div><div><b>Does this amount include interest or other charges?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A). _____</div></div>
<b>8. What is the basis of the claim?</b>	<p>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 healthcare information.</p> <p style="text-align: center;">Goods ordered _____</p>
<b>9. Is all or part of the claim secured?</b>	<div style="display: flex; align-items: flex-start;"><div style="margin-right: 10px;"><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.</div><div><b>Nature of property:</b> <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>. <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____</div></div> <p style="margin-top: 20px;"><b>Basis for perfection:</b> _____</p> <p>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.)</p> <div style="margin-top: 20px;"><div style="display: flex; justify-content: space-between;"><div><b>Value of property:</b></div><div>\$ _____</div></div><div style="display: flex; justify-content: space-between; margin-top: 10px;"><div><b>Amount of the claim that is secured:</b></div><div>\$ _____</div></div><div style="display: flex; justify-content: space-between; margin-top: 10px;"><div><b>Amount of the claim that is unsecured:</b></div><div>\$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div></div> <div style="margin-top: 20px;"><div style="display: flex; justify-content: space-between;"><div><b>Amount necessary to cure any default as of the date of the petition:</b></div><div>\$ _____</div></div><div style="display: flex; justify-content: space-between; margin-top: 10px;"><div><b>Annual Interest Rate</b> (when case was filed)</div><div>_____ %</div></div><div style="margin-top: 10px;"><input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div></div>
<b>10. Is this claim based on a lease?</b>	<div style="display: flex; align-items: flex-start;"><div style="margin-right: 10px;"><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____</div></div>
<b>11. Is this claim subject to a right of setoff?</b>	<div style="display: flex; align-items: flex-start;"><div style="margin-right: 10px;"><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____</div></div>

<b>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply.</i>	<b>Amount entitled to priority</b>
A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.	<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> 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). <input type="checkbox"/> 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). <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). <input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( <u>  </u> ) that applies	\$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
* Amounts are subject to adjustment on 4/1/16 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 2/28/2016  
MM / DD / YYYY

/s/ John M Goldsmith  
\_\_\_\_\_  
Signature

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

Name John M Goldsmith

Title natural person

Company \_\_\_\_\_

Address 429 Spruce Street

429 Spruce Street  
Number Street  
Boulder, CO 80302

City State ZIP Code

Contact phone 917-226-6793 Email goldsmithjm@me.com

From: **Whitney Jacobson** [whitney@premiercru.net](mailto:whitney@premiercru.net)  
Subject: RE: Web Order # 183555 from John Goldsmith  
Date: August 21, 2015 at 4:13 PM  
To: John Goldsmith [goldsmithjm@me.com](mailto:goldsmithjm@me.com)

Hello John,

Thank you for your order, e-mailed to you under separate cover. As you know from the website, these are pre-arrival bottles. You will be notified as these arrive and can make appropriate shipping (or pickup) arrangements at that time. You can also always check arrival status of your orders on our website under your account. **We do not 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.

The term "Pre-Arrival" is applied to wines we have purchased (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.

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)

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

From: Premier Cru

Sent: Friday, August 21, 2015 2:59 PM

To: Premier Cru

Subject: Web Order # 183555 from John Goldsmith

Order Number: 183555

Placed: Aug 21 2015 3:01PM

Cust Name: John Goldsmith

Email Address: [goldsmithjm@me.com](mailto:goldsmithjm@me.com)

Cust Id: 47884

Order No: SO-0000487978

Order Status: OK

Billing Address:

John Goldsmith  
429 Spruce Street

Boulder, CO 80302

Day Phone: 917-226-6793

Eve Phone:

Cel Phone:

Shipping Address:

Day Phone: 0

Eve Phone: 0

Cel Phone: 0

Ship On or After: ASAP

Ship Via: HOLD

Payment: 4001 exp: 03 20

Name on Card: John M Goldsmith

qty	item	Wine	price	ext	status
6	51724	2011 Cote Rotie La Mouline, Guigal	189.99	1139.94	pre-arrival
5	51723	2011 Cote Rotie La Landonne, Guigal	189.99	949.95	pre-arrival
6	51726	2011 Cote Rotie La Turque, Guigal	189.99	1139.94	pre-arrival

Bottles : 17

Subtotal: 3229.83

Shipping (estimate): 0.00

Tax : 0.00

Total : 3229.83

Please feel free to contact for shipping so we can arrange destination and check on weather given Colorado. Thank you very much, John Goldsmith

**Platinum Card®**JOHN M GOLDSMITH  
Closing Date 09/16/15

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Account Ending 4-44001

**Payments and Credits****Summary**

Payments	Total
Credits	-\$1,192.01
Total Payments and Credits	\$0.00
	-\$1,192.01

**Detail** \*Indicates posting date

Payments	Amount
08/20/15* ELECTRONIC PAYMENT RECEIVED-THANK	-\$1,192.01

**New Charges****Summary**

Total New Charges	Total
	\$7,826.04

**Detail** **JOHN M GOLDSMITH**  
Card Ending 4-44001

		Amount
08/17/15	AplPay CLARK'S MARKESNOWMASS VILLAGE CO 9709255295	\$24.78
08/17/15	ASPEN PARKING DEPARTASPEN CO 970-920-5044 Description PARKING FEES	\$5.00
08/18/15	VICEROY SNOWMASS 542SNOWMASS VILL CO Arrival Date Departure Date 08/18/15 08/18/15 00000000 LODGING	\$404.03
08/18/15	ASPEN PETROL LLC 101ASPEN CO ASPEN PETROL LLC	\$57.21
08/18/15	VICEROY SNOWMASS 542SNOWMASS VILL CO Arrival Date Departure Date 08/18/15 08/18/15 00000000 LODGING	\$403.53
08/19/15	ITUNES.COM/BILL ITUNCUPERTINO CA ITUNES STORE & APP STORE	\$20.75
08/19/15	E 470 EXPRESS TOLLS AURORA CO 3035373740	\$28.15
08/19/15	CROZIER FINE ARTS 00NEW YORK NY 212-741-2024 Description MOVING/STORAGE	\$314.46
08/21/15	PREMIER CRU -INTERNET10-644-9463 CA 510-644-9463	\$3,229.83

Continued on reverse



From: **Whitney Jacobson** [whitney@premiercru.net](mailto:whitney@premiercru.net)  
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