

**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  
3/5/2016  
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>Robert Quinn</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>Robert Quinn</u> Name <u>15660 La Bella Ct</u> <u>Morgan Hill, CA 95037</u>  Contact phone _____ Contact email <u>rdquinn@charter.net</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; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><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; justify-content: space-between;"><div><div style="display: flex; align-items: center;"><span style="font-size: 1.2em; margin-right: 5px;">\$</span><div style="border-bottom: 1px solid black; flex-grow: 1; text-align: center;">180.00</div></div></div><div style="width: 40%;"><b>Does this amount include interest or other charges?</b><div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).</div></div></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).</p> <p>Limit disclosing information that is entitled to privacy, such as healthcare information.</p> <div style="border-bottom: 1px solid black; padding-top: 10px;">Purchased goods not delivered.</div>
<b>9. Is all or part of the claim secured?</b>	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><input type="checkbox"/> Yes. The claim is secured by a lien on property.</div></div> <div style="margin-left: 20px;"><b>Nature of property:</b><div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Real estate.</div><div>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>.</div></div><div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Motor vehicle</div><div><input type="checkbox"/> Other. Describe: _____</div></div></div> <div style="margin-left: 20px; margin-top: 10px;"><b>Basis for perfection:</b> _____</div> <p style="margin-left: 20px; font-size: 0.9em;">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-left: 20px; margin-top: 10px;"><div style="display: flex; justify-content: space-between;"><div><b>Value of property:</b></div><div><div style="border-bottom: 1px solid black; width: 150px;"></div></div></div><div style="display: flex; justify-content: space-between; margin-top: 5px;"><div><b>Amount of the claim that is secured:</b></div><div><div style="border-bottom: 1px solid black; width: 150px;"></div></div></div><div style="display: flex; justify-content: space-between; margin-top: 5px;"><div><b>Amount of the claim that is unsecured:</b></div><div><div style="border-bottom: 1px solid black; width: 150px;"></div></div><div style="font-size: 0.8em;">(The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div></div> <div style="margin-left: 20px; 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 style="border-bottom: 1px solid black; width: 150px;"></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 style="border-bottom: 1px solid black; width: 50px;"></div> %</div></div><div style="display: flex; justify-content: space-between; margin-top: 5px;"><div><input type="checkbox"/> Fixed</div><div><input type="checkbox"/> Variable</div></div></div>
<b>10. Is this claim based on a lease?</b>	<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><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; justify-content: space-between;"><div><input checked="" type="checkbox"/> No</div><div><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 3/5/2016  
MM / DD / YYYY

/s/ Robert D Quinn

Signature

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

Name Robert D Quinn  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_

Address Identify the corporate servicer as the company if the authorized agent is a servicer  
15660 La Bella Ct

Number Street Morgan Hill, CA 95037-5324

City State ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_ Email rdquinn@charter.net

**From:** Premier Cru [sales@premiercru.net](mailto:sales@premiercru.net)  
**Subject:** RE: Your Premier Cru Order 376910  
**Date:** November 1, 2014 at 12:28 PM  
**To:** Robert Quinn [rdquinn@charter.net](mailto:rdquinn@charter.net)

PC

Hello Robert,

Thank you for your e-mail. Your 2 x 09 Canon la Gaffeliere remain pre-arrivals, and we thank you for your continued patience. These bottles will make it here for you presently.

This bottling is a wine we have purchased in very large quantities, and as part of huge mixed parcels, directly over in Europe. That is why we are able to offer these bottles at such very good price points, as you probably already know. However sometimes it does take us a long time to get delivery of our mixed parcels over in Europe, consolidate them into 13,000 bottle lots to completely fill one of our refrigerated containers, and import them here. We have been doing this process for well over 30 years now, and it allows us to provide high end wines at rock bottom pricing to our customers. It can be slow, but it works.

We allocate arriving bottles here in the order they were purchased from us. Let me take your wine as an example. We started selling this wine about 2 years before you purchased yours. Because of the quantities at which we purchased, prices were great, and we sold large amounts very quickly. Our first 216 bottles of this wine arrived here in autumn of 2012, and we have had subsequent arrivals as well. And yet, we still have about 120 more bottles to get here, including your bottles. You were actually toward the end of the queue, so you will need to wait for that last parcel to get here. It is all wine we have purchased however, and it is all coming.

Until your parcel is actually loaded on one of our refrigerated containers on the water from Europe, we really are just guessing as to how many of which specific wines will get here when. We know it is coming, but timing is still a guess. We do expect very large quantities of the remaining 09 Bordeaux to get here very late this year and early next, so hopefully that will include your 2 bottles.

Once again we thank you for your patience, and your business. This young wine will be well worth the wait, and we are careful to import and store it under proper temperature control. Thanks again.

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](mailto:james@premiercru.net)  
Web: [www.premiercru.net](http://www.premiercru.net)

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**From:** Robert Quinn [<mailto:rdquinn@charter.net>]  
**Sent:** Saturday, November 01, 2014 10:00 AM  
**To:** [james@premiercru.net](mailto:james@premiercru.net)  
**Cc:** Premier Cru; Premier Cru  
**Subject:** Re: Your Premier Cru Order 376910

Hi,

I just wanted to follow up and get the latest status / forecast for when you expect this order might be available.

Wine: 2009 Canon a Gaffelierre  
Order No: SO 376910  
Order date: March 14, 2012

Appreciate any information you can offer.

Regards,

Robert Quinn  
[rdquinn@charter.net](mailto:rdquinn@charter.net)

On Mar 14, 2012, at 9:04 AM, [james@premiercru.net](mailto:james@premiercru.net) wrote:

Hello Mr. Quinn,

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 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!

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](mailto:james@premiercru.net)  
Web: [www.premiercru.net](http://www.premiercru.net)



DETAILS RATINGS INVENTORY HISTORY

## Edit History



### Transaction Log

March 14, 2012

 You acquired 2 bottles from Premier Cru at \$90.00 per bottle. (On order)



SAVE 

ADD BOTTLES 

CANCEL

