

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises, Inc. dba Premier Cru

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050

LM 10:57a.m.
FILED
MAR - 9 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>Lisa Kaufman</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>Lisa Kaufman c/o Arbor Management</u> Name <u>333 Earle Ovington Blvd, Suite 900</u> Number Street <u>Uniondale</u> <u>NY</u> <u>11553</u> City State ZIP Code Contact phone <u>516-506-4437</u> Contact email <u>mcandрева@arbor.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: 0 3 4 1

7. How much is the claim? \$ 4,079.76. 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.
Purchased goods, did not receive them - funds need to be returned

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: \$ 4,079.76 (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

\$ _____

\$ 2,775.00

\$ _____

\$ _____

\$ _____

\$ _____

* 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 02/24/2016
MM / DD / YYYY

Signature

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

Name Lisa Kaufman
First name Middle name Last name

Title Creditor

Company c/o Melissa Candreva, Arbor Management LLC
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 333 Earle Ovington Blvd, Suite 900
Number Street
Uniondale NY 11553
City State ZIP Code

Contact phone 516-506-4437 Email mcandreva@arbor.com

IVAN KAUFMAN
Closing Date 12/07/12

Account Ending 2-51001

Detail Continued

				Amount
11/26/12	Loro Piana Americana(212) 201-0232 6354 11030 Tailor			\$75.00
11/26/12	BARNES&NOBLE COM 800-843-2665 NJ BOOKS, MUSIC OR DVD/VID			\$109.91
11/27/12	ITUNES MUSICUSA ITUNCUPERTINO CA ITUNES MUSIC STORE			\$2.58
11/27/12	PREMIER CRU 510-655-6691 CA 5106449463	- 09	Pickup Wine	\$4,079.76
11/27/12	ARTNET WORLDWIDE ArtNEW YORK NY www.artnet.com			\$43.01
11/27/12	CHEZ KAMA 0225 GREAT NECK NY RESTAURANT FOOD \$60.30 TIP \$10.00			\$70.30
11/28/12	KINDLE-NEWYORKTIME 866-216-1072 WA DIGITAL		We get subscription	\$19.99
11/28/12	KINDLE-WALLSTREETJ 866-216-1072 WA DIGITAL		We get subscription?	\$21.62
11/28/12	BARNEYS NEW YORK RESNEW YORK NY MEN'S/WOMEN'S CLOTHNG			\$434.42
11/28/12	BLOOMINGDALES 001888NEW YORK NY BLOOMINGDALE'S			\$20,020.22
	Quantity	Description	Price	
	1	MATTRESS OR BOX SPR	\$9,845.00	
	2	MATTRESS OR BOX SPR	\$9,042.00	
	1	DELIVERY FEE		
	2	DELIVERY FEE		
11/28/12	EVERFRESH SUPERMARKEGREAT NECK NY 516-773-4600			\$11.38
11/28/12	EVERFRESH SUPERMARKEGREAT NECK NY 516-773-4600			\$11.91
11/29/12	N/A 0000000000000000 BAL HARBOUR FL RESTAURANT FOOD/BEVERAGE \$26.93 TIP \$4.45			\$31.38
11/29/12	EVERFRESH SUPERMARKEGREAT NECK NY 516-773-4600			\$142.93
11/29/12	NEIMAN-MARCUS 5 0000BAL HARBOUR FL DEPARTMENT STORE			\$4,142.42
	Description	Price		
	COCKTAIL	\$3,795.00		
	OPT 7 DLVRY	\$18.50		
11/29/12	NEIMAN-MARCUS 5 0000BAL HARBOUR FL DEPARTMENT STORE			\$352.03
	Description	Price		
	SANDER SWTR	\$329.00		

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

(510) 644-9463 FAX (510) 647-3833

Sales Order

Page: 1

Order Number: 0000397956

Order Date: 11/27/2012

Salesperson: PB

Customer: 43836

Customer PO:

Sold To	Ship To
Lisa Kaufman 144 King Point Road Great Neck, NY 11024 USA	Lisa Kaufman 144 King Point Road Great Neck, NY 11024 USA

Contact: Lisa Kaufman
Phone: (516) 829-3071

This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
41693 09 Pichon Lalande	24.00	0.00	169.99	4,079.76

5/22/15 - spoke to Surita - says coming end of Summer
(Nederick - mgr.) ext. 19
2/17/15 - spoke to Peter - expecting delivery beginning

Payments: 4,079.76

Net Order: 4,079.76

Freight: 0.00

Sales Tax: 0.00

11/27/2012 VQEE7D0E4158 *****3023 4,079.76

USD 4,079.76



The following constitutes the order of the court.
Signed January 22, 2016

William J. Lafferty, III
William J. Lafferty, III
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re

Fox Ortega Enterprises, Inc.

Debtor.

No. 16-40050

Chapter 7

ORDER SCHEDULING HEARING ON APPLICATIONS TO EMPLOY

Proposed counsel for Michael G. Kasolas, the Chapter 7 Trustee, filed an *Application to Employ Counsel for Trustee* (Doc. 13) and the *Trustee's Amended Application for Order Authorizing Employment of West Auctions, Inc. to Prepare Inventory, Secure Premises and Prepare Appraisal* (Doc. 15) (collectively the "*Applications*"). The Court has questions about the *Applications* and would appreciate the opportunity to discuss the underlying issues with the Chapter 7 Trustee, the proposed professionals to be employed by the

1 Chapter 7 Trustee, Debtor's counsel, and the Office of the
2 United States Trustee.

3 The parties do not have any obligation to file
4 documents in preparation for the hearing.

5 For the reasons stated above, and good cause
6 appearing:

7 1.) A hearing on the *Applications* is hereby scheduled
8 on **January 25**, at 3:30 PM in Courtroom 220 of the United
9 States Bankruptcy Court for the Northern District of
10 California, Oakland Division, located at 1300 Clay Street,
11 Oakland 94612. The Chapter 7 Trustee, the Chapter 7
12 Trustee's proposed counsel, a representative of West
13 Auctions, Inc., Debtor's counsel, and a representative of
14 the Office of the United States Trustee shall appear at the
15 hearing.

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17 ***END OF ORDER***
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January 27, 2016

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Mark S. Bostick (SBN 111241)
Elizabeth Berke-Dreyfuss (SBN 114651)

Tracy Green (SBN 114876)

**WENDEL, ROSEN, BLACK
& DEAN LLP**

1111 Broadway, 24th Floor
Oakland, California 94607-4036

Telephone: (510) 834-6600

Fax: (510) 834-1928

Email: mbostick@wendel.com;

edreyfuss@wendel.com;

tgreen@wendel.com

The following constitutes the order of the court.

Signed January 26, 2016

William J. Lafferty, III
William J. Lafferty, III
U.S. Bankruptcy Judge

[proposed] Attorneys for Michael G. Kasolas,
Trustee

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

In re

FOX ORTEGA ENTERPRISES, INC.,
dba PREMIER CRU,

Debtor.

Case No. 16-40050-WJL

Chapter 7

**ORDER AUTHORIZING EMPLOYMENT
OF WEST AUCTIONS, INC. TO
PREPARE INVENTORY, SECURE
PREMISES AND PREPARE APPRAISAL**

Date: January 25, 2016

Time: 3:30 p.m.

Place: 1300 Clay Street

Courtroom 220

Oakland, CA

Judge: The Hon. William J. Lafferty

The Application of Michael G. Kasolas, trustee ("Trustee") to Employ West Auctions, Inc.
to prepare an inventory, secure premises and prepare an appraisal ("Application"), having been
presented on notice to the Debtor, the U.S. Trustee and interested parties, and the Court being
satisfied that West Auctions, Inc. is qualified to conduct the services requested, and is a
disinterested party and does not hold or represent an interest adverse to the estate, and for good
cause appearing,

ORDER AUTHORIZING EMPLOYMENT OF WEST
AUCTIONS, INC. TO PREPARE INVENTORY, SECURE
PREMISES AND PREPARE APPRAISAL

Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, California 94607-4036

017558.00524176533.1

1 IT IS HEREBY ORDERED that:

2 1. The Trustee is authorized to employ West Auctions, Inc., effective as of January
3 19, 2016, to conduct an inventory of the Estate's bottled wine inventory, furniture, fixtures and
4 equipment.

5 2. The Trustee is authorized to Pay West Auctions, Inc.: the sum of \$50.00/hr. to
6 prepare the inventory (estimated to take up to 300 hours) for a total of \$15,000.00.

7 3. Said fees shall be paid from the proceeds of auction sale of the inventory and
8 subject to further order approving the fees.

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10 **Approved as to Form and Content:**

11 OFFICE OF THE UNITED STATES TRUSTEE

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13 By /s/ Margaret H. McGee
14 Margaret H. McGee
15 Trial Attorney, Oakland Division

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17 ****END OF ORDER****
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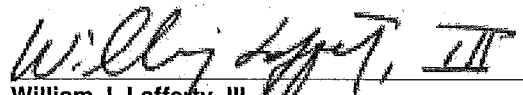
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28 ORDER AUTHORIZING EMPLOYMENT OF WEST
AUCTIONS, INC. TO PREPARE INVENTORY, SECURE
PREMISES AND PREPARE APPRAISAL

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The following constitutes the order of the court.
Signed January 30, 2016


William J. Lafferty, III
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re

Fox Ortega Enterprises, Inc.

Debtor.

No. 16-40050

Chapter 7

ORDER SCHEDULING HEARING ON APPLICATION TO EMPLOY

Proposed counsel for Michael G. Kasolas, the Chapter 7 Trustee, filed an *Application to Employ Counsel for Trustee* (Doc. 13) and the *Supplemental Declaration of Proposed Counsel In Support Of Application to Employ Counsel for Trustee* (Doc. 29) (collectively the "*Application*"). The Court has questions about the *Application* and would like to further discuss the matter with the Chapter 7 Trustee, proposed counsel, Debtor's counsel, and the Office of the United States Trustee.

The parties do not have any obligation to file documents in preparation for the hearing.

For the reasons stated above, and good cause appearing:



1 Mark S. Bostick (SBN 111241)
2 Elizabeth Berke-Dreyfuss (SBN 114651)
3 Tracy Green (SBN 114876)

4 **WENDEL, ROSEN,**
5 **BLACK & DEAN LLP**
6 1111 Broadway, 24th Floor
7 Oakland, California 94607-4036
8 Telephone: (510) 834-6600
9 Fax: (510) 834-1928
10 Email: mbostick@wendel.com
11 Email: edreyfuss@wendel.com
12 Email: tgreen@wendel.com

The following constitutes the order of the court.
Signed February 11, 2016

William J. Lafferty, III
William J. Lafferty, III
U.S. Bankruptcy Judge

13 Attorneys for Trustee, Michael G. Kasolas

14 UNITED STATES BANKRUPTCY COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 In re

18 FOX ORTEGA ENTERPRISES, INC.,
19 dba PREMIER CRU,

20 Debtor.

Case No. 16-40050-WJL

Chapter 7

**ORDER AUTHORIZING THE TRUSTEE
TO EMPLOY BRIAN NISHI AS AN IT
CONSULTANT**

Date: February 8, 2016
Time: 2:00 p.m.
Place: 1300 Clay Street
Courtroom 220
Judge: The Hon. William J. Lafferty

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22 The Application of Michael G. Kasolas, trustee ("Trustee") to Employ Brian Nishi to assist
23 the Trustee in reviewing the debtors business records and as set forth in greater detail in the
24 Application for Order Authorizing the Trustee to Retain Brian Nishi (Docket No. 39)
25 ("Application"), came on for hearing on February 8, 2016, before the Honorable William J.
26 Lafferty, III, appearances were as noted in the recorded. The Court having reviewed the
27 Application, the objection filed, and the Trustee's Reply, and considered the arguments of counsel,
28 the Court being satisfied that Brian Nishi is not a professional and therefore the issue of whether

ORDER AUTHORIZING THE TRUSTEE TO EMPLOY BRIAN
NISHI

Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, California 94607-4036

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1 he is disinterested is not before the Court, and he is qualified to perform the requested services
2 and for good cause appearing,

3 IT IS HEREBY ORDERED that:

4 1. The Trustee is authorized to use funds of the this estate pursuant to Bankruptcy
5 Code Section 363 to employ Brian Nishi as an IT consultant and technician, effective as of
6 January 19, 2016 at the rate of \$100.00 per hour.

7 2. The Trustee is authorized to pay Mr. Nishi after further order.
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9 APPROVED AS TO FORM:

10 OFFICE OF THE UNITED STATES TRUSTEE
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12 By: /s/ Margaret H. McGee
13 Margaret H. McGee

14 **END OF ORDER**
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