Fill in this information to identify the case:
Debtor1 Fox Ortega Enterprises Inc.
Debtor 2 (Spouse, if filing)
United States Bankruptcy Court for the:  Northern District of California
Case number 16-40050

FILED MAR 1 4 2016 / U.S. BANKRUPTCY COURT SANTA ROSA, 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** Who is the current Joseph DiSalvo creditor? Name of the current creditor (the person or entity to be paid for this claim) Catherine DiSalvo Other names the creditor used with the debtor Has this claim been **☑** No acquired from Yes. From whom? someone else? 3. Where should notices Where should notices to the creditor be sent? Where should payments to the creditor be sent? (if and payments to the different) creditor be sent? Joseph DiSalvo Federal Rule of Name Bankruptcy Procedure (FRBP) 2002(g) 85 Liberty Avenue Number Street Number Street Staten Island NY 10304 City ZIP Code ZIP Code 917-416-5309 Contact phone Contact phone jdisalvo@disalvo.nyc Contact email Contact email Uniform claim identifier for electronic payments in chapter 13 (if you use one): Does this claim amend **☑** No one already filed? Yes. Claim number on court claims registry (if known) \_\_\_\_ 5. Do you know if anyone ₩ No else has filed a proof ☐ Yes. Who made the earlier filing? of claim for this claim?

Part 2: Give Information About the Claim as of the Date the Case Was Filed Do you have any number V No you use to identify the Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: debtor? 7. How much is the claim? 8,204.36. Does this amount include interest or other charges? ☐ 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 Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. claim? 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. Pre-arrival wines sold but never delivered. 9. Is all or part of the claim **☑** No secured? ☐ 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 Z No lease? ☐ Yes. Amount necessary to cure any default as of the date of the petition. 11. Is this claim subject to a ☑ No right of setoff? Yes. Identify the property:

12. Is all or part of the claim entitled to priority under	🗹 No					man government group and a						
11 U.S.C. § 507(a)?	Yes. Check	call that apply:				Amount entitled to priority						
A claim may be partly priority and partly	Domes 11 U.S.	tic support obligations (includi C. § 507(a)(1)(A) or (a)(1)(B).	ng alimony and child sup	port) under		\$						
nonpriority. For example, in some categories, the law limits the amount entitled to priority.		2,775* of deposits toward pur al, family, or household use. 1		property or	services for	\$						
	bankruj	salaries, or commissions (up otcy petition is filed or the deb C. § 507(a)(4).	to \$12,475*) earned with tor's business ends, whic	nin 180 day: chever is ea	s before the rlier.	\$						
	☐ Taxes o	or penalties owed to governme	ental units. 11 U.S.C. § 5	07(a)(8).		\$						
	☐ Contrib	utions to an employee benefit	plan. 11 U.S.C. § 507(a)	(5).		\$						
	Other.	Specify subsection of 11 U.S.	C. § 507(a)() that appli	es.		\$						
	* Amounts	are subject to adjustment on 4/01/	16 and every 3 years after th	at for cases	begun on or afte	er the date of adjustment.						
Part 3: Sign Below												
The person completing	Check the appro	ppriate box:										
this proof of claim must sign and date it.	☑ I am the cre	editor.										
FRBP 9011(b).	_	editor's attorney or authorized	agent.									
If you file this claim	_	stee, or the debtor, or their au										
electronically, FRBP 5005(a)(2) authorizes courts	_	I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.										
to establish local rules												
specifying what a signature is.	I understand that an authorized signature on this <i>Proof of Claim</i> serves as an acknowledgment that when calculating the											
A person who files a	amount of the ci	unt of the claim, the creditor gave the debtor credit for any payments received toward the debt.										
fraudulent claim could be fined up to \$500,000, imprisoned for up to 5	I have examined and correct.	I the information in this <i>Proof</i>	of Claim and have a reas	onable beli	ef that the info	ormation is true						
years, or both. 18 U.S.C. §§ 152, 157, and 3571.	l declare under p	penalty of perjury that the fore	going is true and correct.									
3071.	Executed on date	e 02/12/2016 MM / DD / YYYY										
	d	oupli Dda	eleco									
	Signature	- 1										
	Print the name	of the person who is compl	eting and signing this c	:laim:								
	Name	Joseph			DiSalvo							
	Hamo	First name	Middle name		Last name							
	Title											
	Company											
		Identify the corporate servicer	as the company if the author	ized agent is	a servicer.							
	Address	85 Liberty Avenue										
		Number Street										
•		Staten Island		NY	10304							
		City		State	ZIP Code							
	Contact phone	917-416-5309		Email	jdisalvo@	odisalvo.nyc						

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	MY ACCOL	JNT E	DIT PROFILE	ADDRESS BOO	K BILI	ING INFORMATIC
ORDER HISTORY	ll Time j s	ort By Ord	er No	G0 ژ		
Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
<u>SO-0000492082</u> (Open)	\$389.96	6	0	6	0	10/12/15
<u>SO-0000487381</u> (Open)	\$540.00	12	0	12	0	8/16/15
<u>SO-0000487133</u> (Open)	\$314.98	3	0	3	0	8/13/15
<u>SO-0000487118</u> (Open)	\$314.98	3	0	3	0	8/13/15
SO-0000425585 (Open)	\$870.00	6	. 0	6	0	10/18/13
SO-0000424287 (Open)	\$1,559.88	12	0	12	0	9/29/13
SO-0000422925 (Open)	\$1,979.74	26	0	26	0	9/14/13
SO-0000420522 (Open)	\$779.94	6	0	6	0	8/10/13
SO-0000411363 (Open)	\$914.88	12	6	6	0	4/27/13
SO-0000384081 (Open)	\$540.00	12	0	12	0	6/17/12

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	Shipping Info	Our Staff
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## **ORDER DETAILS**

Order No.: SO-0000492082 Order Date.: Oct 12, 2015 Status: Open

### **PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	
2012 Flaccianello, Fontodi, 750 ml	6	0	6	0	\$64.99	\$389.96	

Subtotal: \$389.96

Tax: \$0.00

Total: \$389.96

#### SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Flaccianello, Fontodi, 750 ml	6	0	6

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Shipping Info

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

## Sales Order

Page: 1

Order Number: 0000492082 Order Date: 10/12/2015 Web Order No: 186854

Salesperson: PP Customer: 42761 Customer PO:

Sold To Ship To

Joseph DiSalvo 85 Liberty Avenue Staten Island, NY 10304 USA Joseph DiSalvo 4214 3rd Ave Brooklyn, NY 11232 USA

Contact: Catherine DiSalvo Phone: (718) 317-6637

This order has been paid by Visa - Thank You!

	Item	Ordered	Quantity Shipped	Unit Price	Amount
52784	2012 Flaccianello, Fontodi	6.00	0.00	64.99	389.96

_				Net Order:	389.96
Payments: 10/12/2015	389.96 AP0AC7C083E4	**********9032	389.96	Freight: Sales Tax:	0.00
				USD	389.96

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## **ORDER DETAILS**

Order No.: SO-0000487381 Order Date.: Aug 16, 2015 Open

Status:

### **PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	
2012 Tignanello, Antinori, 750 ml	12	0	12	0	\$45.00	\$540.00	

\$540.00 Subtotal:

Tax: \$0.00

Total: \$540.00

### SHIPPING DETAILS

Wine	Ordered	Shipped	Remain	
2012 Tignanello, Antinori, 750 ml	12	0	12	

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## **ORDER DETAILS**

Order No.: SO-0000487133 Order Date.: Aug 13, 2015 Open

Status:

**PURCHASE DETAILS** 

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	
2012 Ornellaia, Tenuta dell'Ornellaia, 750 ml	3	0	3	0	\$104.99	\$314.98	l

\$314.98 Subtotal:

\$0.00 Tax:

Total: \$314.98

SHIPPING DETAILS

OIIII I ING DETAILO	the time in the terminal property of the termi		
Wine	Ordered	Shipped	Remain
2012 Ornellaia, Tenuta dell'Ornellaia, 750 ml	3	0	3

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## Sales Order

Page: 1

Order Number: 0000487133 Order Date: 8/13/2015 Web Order No: 182881

Salesperson: YW Customer: 42761

Customer PO:

Sold To Ship To

Joseph DiSalvo 5 Eylandt Street Staten Island, NY 10312 USA

Joseph DiSalvo 4214 3rd Ave Brooklyn, NY 11232 USA

Contact: Catherine DiSalvo Phone: (718) 317-6637 25% Discount applied!

This order has been paid by Visa - Thank You!

	Item	Ordered	Quantity Shipped	Unit Price	Amount
52616	2012 Ornellaia, Tenuta dell'Ornellaia	3.00	0.00	104.99	314.98

Payments:	314.98			Net Order:	314.98
8/14/2015	AQ0AC5F46C4C	**********1997	314.98	Freight: Sales Tax:	0.00
				USD	314.98

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## **ORDER DETAILS**

Order No.: SO-0000487118 Order Date.: Aug 13, 2015 Open

**PURCHASE DETAILS** 

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	
2012 Ornellaia, Tenuta dell'Ornellaia, 750 ml	3	0	3	0	\$104.99	\$314.98	

Subtotal: \$314.98

> Tax: \$0.00

Total: \$314.98

SHIPPING DETAILS

Omi I ma venieu				
Wine	Ordered	Shipped	Remain	
2012 Ornellaia, Tenuta dell'Ornellaia, 750 ml	3	0	3	

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Newsletters

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## Sales Order

Page: 1

Order Number: 0000487118 Order Date: 8/13/2015 Web Order No: 182869

Salesperson: KR Customer: 42761

Customer PO:

Sold To

Ship To

Joseph DiSalvo 5 Eylandt Street Staten Island, NY 10312 USA Joseph DiSalvo 4214 3rd Ave Brooklyn, NY 11232 USA

Contact: Catherine DiSalvo Phone: (718) 317-6637

This order has been paid by Visa - Thank You!

Item	Ordere	d	Quantity Shipped	Unit Price	Amount
52616 2012 Ornellaia, Tenuta dell'Ornellaia	3.00		0.00	104.99	314.98

			Net Order:	314.98
Payments: 8/13/2015	314.98  AQ0AC5E9A0A7 *******9032	314.98	Freight: Sales Tax:	0.00
			USD	314.98

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ADDRESS BOOK

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## **ORDER DETAILS**

Order No.: SO-0000425585 Order Date.: Oct 18, 2013 Status: Open

#### **PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Ornellaia, Tenuta dell'Ornellaia, 750 ml	6	0	6	0	\$145.00	\$870.00

**Subtotal**: \$870.00

Tax: \$0.00

Total: \$870.00

#### SHIPPING DETAILS

Wine	Ordered	Shipped	Remain	
2010 Ornellaia, Tenuta dell'Ornellaia, 750 ml	6	0	6	

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Newsletters

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Wine Expert Reviews

**Customer Service** 

Pre-Arrival vs. In-Stock

Shipping Info

Terms and Conditions

RSS Center

My Account

Contact Customer Service

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Our Staff We Buy Wine

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Page: 1

Order Number: 0000425585 Order Date: 10/18/2013

Salesperson: MR Customer: 42761

Customer PO:

Sold To Ship To

Joseph DiSalvo 4214 3rd Avenue Brooklyn, NY 11232 USA Joseph DiSalvo 4214 3rd Ave Brooklyn, NY 11232 USA

Contact: Catherine DiSalvo Phone: (718) 317-6637

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

	Item	Ordered	Quantity Shipped	Unit Price	Amount
48208	2010 Ornellaia, Tenuta dell'Ornellaia	6.00	0.00	145.00	870.00

_				Net Order:	870.00
Payments:	870.00			Freight:	0.00
10/18/2013	VUHEB0EF0A86	**********9004	870.00	Sales Tax:	0.00
				USD	870.00

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ADDRESS BOOK

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## **ORDER DETAILS**

Order No.: SO-0000424287 Order Date.: Sep 29, 2013 Status:

Open

### **PURCHASE DETAILS**

- 1	Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
	2010 Sassicaia, 750 ml	12	0	12	0	\$129.99	\$1,559.88

Subtotal: \$1,559.88 \$0.00 Tax:

> Total: \$1,559.88

CHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Sassicala, 750 ml	12	0	12

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Shipping Info Terms and Conditions

RSS Center My Account

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## Premier Cru Order Acknowledgement

From: Premier Cru (shipping@premiercru.net)

Sent: Sun 9/29/13 5:51 AM To: jdisalvo@msn.com

Thank you for your order!

We have received your order request SO-0000424287-134386.

qty	item	Wine	price	ext	status	
12	48210 20	010 Sassacaia		129.99	1559.88	pre-arrival

Bottles: 12

Subtotal: 1559.88 Shipping: 0.00

Tax : 0.00 Total : 1559.88

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

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## **ORDER DETAILS**

Order No.: SO-0000422925 Order Date.: Sep 14, 2013 Status: Open

**PURCHASE DETAILS** 

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Tignanello, Antinori, 750 ml	24	0	24	0	\$59.99	\$1,439.76
2010 Sassicaia Magnum, 1.5 L	2	0	2	0	\$269.99	\$539.98

Subtotal:

\$1,979.74

Tax:

\$0.00

Total:

\$1,979.74

#### SHIPPING DETAILS

OIII I III O DETINEO			
Wine	Ordered	Shipped	Remain
2010 Tignanello, Antinori, 750 ml	24	0	24
2010 Sassicaia Magnum, 1.5 L	2	0	2

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What's New

Newsletters

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Producers Feature Articles **Customer Service** 

Pre-Arrival vs. In-Stock Shipping Info

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## Premier Cru Order Acknowledgement

From: Premier Cru (shipping@premiercru.net)

Sent: Sat 9/14/13 3:25 PM To: jdisalvo@msn.com

Thank you for your order!

We have received your order request SO-0000422925-133294.

qty	item	wine	pric	ce ext	sta	tus	
							****
2	48378	2010 Sassacaia M	agnum	26	9.99	539.98	pre-arrival
24	48209	2010 Tignanello,	Antinori	59	9.99	1439.76	pre-arrival

Bottles: 26

Subtotal:

1979.74

Shipping:

0.00

Tax:

0.00

Total: 1979.74

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

If you have any questions, please email us at info@premiercru.net or call us at 510-644-9463.

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ADDRESS BOOK

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## **ORDER DETAILS**

Order No.: SO-0000420522 Order Date.: Aug 10, 2013 Status:

Open

#### **PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Sassicaia, 750 ml	6	0	6	0	\$129.99	\$779.94

Subtotal: \$779.94

Tax:

\$0.00

Total:

\$779.94

#### SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Sassicaia, 750 ml	6	0	6

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What's New

Newsletters

Regions Producers

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Terms and Conditions RSS Center My Account

Contact Customer Service

About Us

Company History Our Staff We Buy Wine Retail Store

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## **ORDER DETAILS**

Order No.: SO-0000411363 Order Date.: Apr 27, 2013 Status: Open

### **PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2007 Barolo Pajana, Clerico, 750 ml	1	1	0	0	\$59.99	\$59.99
2008 Barolo Le Vigne, Sandrone, 750 ml	1	0	1	0	\$89.99	\$89.99
2008 Barolo Cannubi Boschis, Sandrone, 750 ml	5	0	5	0	\$89.99	\$449.95
2009 Barolo Falletto di Serralunga, Giacosa, 750 ml	3	3	0	0	\$79.99	\$239.97
2006 Barbera Tre Vigne, Clerico, 750 ml	1	1	0	0	\$14.99	\$14.99
2007 Vigna Arborina, Altare, 750 ml	1	1	0	0	\$59.99	\$59.99

Subtotal: \$914.88 Tax: \$0.00

Total: \$914.88

## SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2007 Barolo Pajana, Clerico, 750 ml	1	1	0
2008 Barolo Le Vigne, Sandrone, 750 ml	1	0	1
2008 Barolo Cannubi Boschis, Sandrone, 750 ml	5	0	5
2009 Barolo Falletto di Serralunga, Giacosa, 750 ml	3	3	0
2006 Barbera Tre Vigne, Clerico, 750 ml	1	1	0
2007 Vigna Arborina, Altare, 750 ml	1	1	0

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Premier Cru 1011 University Ave Berkeley, CA 94710 Click here for directions Store Hours Tuesday-Friday: 10am-6pm Saturday: 10am-5pm Sunday: Closed

Hi Joseph

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wine, region, varietal, producer

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**BILLING INFORMATION** 

## **ORDER DETAILS**

Order No.: SO-0000384081 Order Date.: Jun 17, 2012 Status: Open

## **PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 Tignanello, 750 ml	12	0	12	0	\$45.00	\$540.00

Subtotal: \$540.00

Tax:

\$0.00

Total:

\$540.00

### SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2009 Tignanello, 750 ml	12	0	12

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## Re: Web Store Contact Us: Pre-Arrival Question

From: Joseph DiSalvo (jdisalvo@msn.com)

Sent: Fri 5/17/13 6:26 PM

To: Premier Cru (sales@premiercru.net)

Cc: customer-service@premiercru.net (customer-service@premiercru.net)

Thank you Mederick.

On May 17, 2013, at 6:24 PM, "Premier Cru" <sales@premiercru.net> wrote:

- > Greetings Joe,
- > Thank you for your email. Your wines have been received in our European
- > warehouse and should be processed for exportation shortly. We expect it
- > to arrive within 45 -60 days.
- > Please let us know if you have any further questions.
- >
- > 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: customer-service@premiercru.net
- > [mailto:customer-service@premiercru.net]
- > Sent: Friday, May 17, 2013 3:16 PM
- > To: customer-service@premiercru.net
- > Cc: Joe DiSalvo
- > Subject: Web Store Contact Us: Pre-Arrival Question
- > Pre-Arrival Question:
- > Any word on this order?
- >
- > ORDER DETAILS
- > Order No.: SO-0000384081
- > Order Date.: Jun 17, 2012

- > Status: Open
- > PURCHASE DETAILS
- > Wine Qty Shipped Remain Ready To Ship Price/Bottle Total
- > Price
- > 2009 Tignanello, 750 ml 12 0 12 0 \$45.00 \$540.00
- > Subtotal: \$540.00
- > Tax:
- >
- >