

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprise, Inc.

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

4/11/24 PM
FILED
MAR 11 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?	Salvatore LiRosi Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor <u>Sal LiRosi</u>	
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? Salvatore LiRosi Name <u>122 N Sunnycrest Dr.</u> Number Street <u>Little Silver</u> <u>NJ</u> <u>07739</u> City State ZIP Code Contact phone <u>510-910-3578</u> Contact email <u>sal@lirosi.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____
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 ____ / ____ / ____	
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? \$ 1,025.26. 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.
Goods sold, some of which are in debtor's possession.

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

☐ 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.

\$ _____

* 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 02/17/2016
MM / DD / YYYY

Signature

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

Name	Salvatore	LiRosi
	First name	Middle name Last name
Title		
Company		
	Identify the corporate servicer as the company if the authorized agent is a servicer.	
Address	122 N Sunnycrest Dr.	
	Number	Street
	Little Silver	NJ 07739
	City	State ZIP Code
Contact phone	510-910-3578	Email sal@lirosi.com

Debtor: Premier Cru Creditor: Salvatore LiRosi

Summary of Goods and Amounts Owed

Order #	Date	Total Amount (inc sales tax)	Comments
SO-0000456135	09/24/14	\$106.25	Goods in stock awaiting shipping.
SO-0000452052	08/09/14	\$65.39	
SO-0000451611	08/02/14	\$65.37	
SO-0000447834	06/21/14	\$54.48	
SO-0000447233	06/14/14	\$91.55	Goods in stock awaiting shipping.
SO-0000438749	03/02/14	\$98.07	
SO-0000432898	01/04/14	\$87.18	
SO-0000430428	12/10/13	\$87.18	
SO-0000426312	10/26/13	\$65.33	Order cancelled, refund promised but never processed.
SO-0000400992	12/29/12	\$195.75	
SO-0000390574	08/28/12	\$108.71	
Totals		\$1,025.26	

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ORDER DETAILS

Order No.: SO-0000456135

Order Date.: Sep 24, 2014

Status: Open

IN STOCK
↓

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2011 Chateaufeuf du Pape Cuvee Reservee, Pegau, 750 ml	3	0	3	3	\$32.49	\$97.48

Subtotal: \$97.48

Tax: \$8.77

Total: \$106.25

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2011 Chateaufeuf du Pape Cuvee Reservee, Pegau, 750 ml	3	0	3

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ORDER DETAILS

Order No.: SO-0000452052

Order Date.: Aug 9, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Chianti Classico Riserva Rancia Magnum, Felsina, 1.5 L	1	0	1	0	\$59.99	\$59.99

Subtotal: \$59.99

Tax: \$5.40

Total: \$65.39

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Chianti Classico Riserva Rancia Magnum, Felsina, 1.5 L	1	0	1

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ORDER DETAILS

Order No.: SO-0000451611

Order Date.: Aug 2, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Chianti Classico Riserva, Felsina, 750 ml	3	0	3	0	\$19.99	\$59.97

Subtotal:

\$59.97

Tax:

\$5.40

Total:

\$65.37

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Chianti Classico Riserva, Felsina, 750 ml	3	0	3

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https://www.premiercru.net/premier/order/CustOrderDetails.do?order.orderId=SO-0000451611

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Claim 1300

Filed 03/11/16

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ORDER DETAILS

Order No.: SO-0000447834

Order Date.: Jan 21, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Chablis Vaillons, Fevre, 750 ml	2	0	2	0	\$24.99	\$49.98

Subtotal: \$49.98

Tax: \$4.50

Total: \$54.48

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Chablis Vaillons, Fevre, 750 ml	2	0	2

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ORDER DETAILS

Order No.: SO-0000447233

Order Date.: Jun 14, 2014

Status: Open

IN STOCK



PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Chateaufneuf Reservee, Pegau, 750 ml	2	0	2	2	\$41.99	\$83.99

Subtotal: \$83.99

Tax: \$7.56

Total: \$91.55

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Chateaufneuf Reservee, Pegau, 750 ml	2	0	2

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ORDER DETAILS

Order No.: SO-0000438749

Order Date.: Mar 2, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Chablis Les Lys, Fevre, 750 ml	3	0	3	0	\$29.99	\$89.97

Subtotal: \$89.97

Tax: \$8.10

Total: \$98.07

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Chablis Les Lys, Fevre, 750 ml	3	0	3

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ORDER DETAILS

Order No.: SO-0000432898

Order Date.: Jan 4, 2014

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2012 Vieux Telegraphe, 750 ml	2	0	2	0	\$39.99	\$79.98

Subtotal: \$79.98

Tax: \$7.20

Total: \$87.18

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2012 Vieux Telegraphe, 750 ml	2	0	2

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ORDER DETAILS

Order No.: SO-0000430428

Order Date.: Dec 10, 2013

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2011 Beaucastel, 750 ml	2	0	2	0	\$39.99	\$79.98

Subtotal: \$79.98

Tax: \$7.20

Total: \$87.18

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2011 Beaucastel, 750 ml	2	0	2

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ORDER DETAILS

Order No.: SO-0000426312

Order Date.: Oct 26, 2013

Status: Closed

PURCHASE DETAILS

AMOUNT WAS TO BE CREDITED TO CREDIT CARD

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Bourgogne Grand Ordinaire, Roty, 750 ml	0	0	0	0	\$9.99	\$59.94

Subtotal: \$59.94

Tax: \$5.39

Total: \$65.33

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Bourgogne Grand Ordinaire, Roty, 750 ml	0	0	0

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ORDER DETAILS

Order No.: SO-0000400992

Order Date.: Dec 29, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2011 Chablis Preuses, Fevre, 750 ml	2	0	2	0	\$45.00	\$90.00
2011 Chablis les Clos, Fevre, 750 ml	2	0	2	0	\$45.00	\$90.00

Subtotal: \$180.00

Tax: \$15.75

Total: \$195.75

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2011 Chablis Preuses, Fevre, 750 ml	2	0	2
2011 Chablis les Clos, Fevre, 750 ml	2	0	2

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ORDER DETAILS

Order No.: SO-0000390574

Order Date.: Aug 28, 2012

Status: Open

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Sociando Mallet, 750 ml	4	0	4	0	\$24.99	\$99.96

Subtotal: \$99.96

Tax: \$8.75

Total: \$108.71

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Sociando Mallet, 750 ml	4	0	4

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Peter N Powlovich <peter@premiercru.net>

Re: Follow up

Peter Powlovich <peter@premiercru.net>

Fri, Dec 11, 2015 at 6:01 PM

To: Sal LiRosi <sal@lirosi.com>

Hello Sal,

I have set up a pick up for all available for 12/18. We have closed the retail store and are doing scheduled pick ups only. Premier Crus new hours on 12/18 are going to be 12pm-4pm and on Saturday 12/19 are 10am-2pm. If you can, please let me know when you think you will be coming.

We should have some empty cartons available, are you referring to cardboard or wooden crates though?

I have submitted your request for a refund on the 2010 Roty.

Sincerely,
Peter N Powlovich
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 (directions)
phone (510) 644-9463
fax (510) 647-3833
Peter@premiercru.net

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

From: Sal LiRosi [mailto:sal@lirosi.com]
Sent: Friday, December 11, 2015 2:00 PM
To: Peter Powlovich
Subject: Re: Follow up

Hi Peter,

I appreciate you staying on top of this. I will come in to collect on the 18th or 19th. If I may ask you a favor to set aside several (8-10) empty case cartons that would be great.

Also, i would like to cancel the 6 bottles of the 2010 Roty order that was made over 2 years ago. These were meant for quick consumption and are not really worth the cost to ship.

Thanks again for your help.

Regards,
Sal

Sent from my iPhone



https://mail.google.com/mail/u/0/?ui=2&ik=fe9d19436f&view=pt&q=...search=query&msg=1523526bb056d33f&dsqt=1&siml=1523526bb056d33f

Re: Follow up

Sal LiRosi <sal@lirosi.com>**Tue, Jan 12, 2016 at 4:24 AM****To: Peter Powlovich <peter@premiercru.net>**

Hi Peter,

I moved as planned. Thanks for helping me why the empty boxes.

It's unfortunate I just missed arrival of the Pegau that's now showing ready in my account?

Can you do me a favor and ship these to my new address? Its:

122 Bay 47St
Brooklyn, NY 11214

Much appreciated.

Thanks,
Sal LiRosi
510-9103578

On Dec 10, 2015, at 14:37, Peter Powlovich <peter@premiercru.net> wrote:

Hello Sal,

The 2011 Chateauneuf du Pape Cuvee Reservee, Pegau and 2012 Chateauneuf Reservee, Pegau are expected to land on Tuesday 12/15 and hopefully be fully unloaded and in our warehouse within a couple of days. As soon as they are ready I can reach out and let you know that they are available.

Unfortunately, the 2011 Chablis les Clos, Fevre and 2012 Vieux Telegraphe were originally supposed to be in before the end of December, but it sounds like the container they are going to be on is going to be coming in January now. I apologize that my original estimate was wrong.

Please let me know any other questions or concerns.

Sincerely,
Peter N Powlovich
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 (directions)
phone (510) 644-9463
fax (510) 647-3833
Peter@premiercru.net

From: Sal LiRosi [mailto:sal@lirosi.com]
Sent: Wednesday, December 09, 2015 10:00 PM
To: Peter Powlovich
Subject: Re: Follow up

Hi Peter,

Thank-you for your mail.

You had indicated the following would be due in early December:

2011 Chablis les Clos, Fevre
2011 Chateauneuf du Pape Cuvee Reservee, Pegau
2012 Chateauneuf Reservee, Pegau

2012 Vieux Telegraphe

Will these be available next week? If not, when?

Thanks,
Sal

On Tue, Dec 8, 2015 at 4:49 PM, Sal LiRosi <sal@lirosi.com> wrote:

Hi Peter,

Thanks for your mail today. I did drop by the store to check on my account. As per my previous e-mail (below) I have several wines outstanding on pre-arrival - many for 2 or more years.

Do you have an update on the wines below that were due in early December?

I've been very relaxed and patient on my pre-arrivals over the 13 years of doing business with Premiercru. The problem now is that I'm in the process of relocating and would like to take possession of as many wines as possible in the next week.

I realize you can probably ship the rest later (to NJ/NY). But some of these wines may not be "ship-worthy" (as in not worth the cost).

Let me know what I will be able to pick up by the 15th. Also, would appreciate if you can let me know what the cost is for shipping to NJ for those wines that remain behind.

Thanks,
Sal

On Sat, Nov 7, 2015 at 12:05 PM, Peter Powlovich

<peter@premiercru.net> wrote:

Hello Sal,

I apologize that we have not gotten back to you yet. At this time I see

4 bottles available to ship. The following wines are going to be on the next containers leaving 11/11 and expected in the beginning of December.

2011 Chablis les Clos, Fevre
2011 Chateauneuf du Pape Cuvee Reservee, Pegau
2012 Chateauneuf Reservee, Pegau
2012 Vieux Telegraphe

Over the next 6 months, it is my understanding that we should be

anticipating a few other containers plus some various air freights.

Please feel free to reach out to me for updates at your convenience and

I can work with you moving forward.

Sincerely,
Peter N Powlovich
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1011 University Avenue
Berkeley, CA 94710 (directions)
phone (510) 644-9463
fax (510) 647-3833
Peter@premiercru.net

From: Sal LiRosi [mailto:sal@lirosi.com]
Sent: Saturday, November 07, 2015 9:46 AM
To: Premier Cru
Subject: Re: My wines

Hi,

Seems like everyone I knew there over the many years is no longer there.

Still, I would appreciate a response to my e-mail.

Thanks,
Sal LiRosi

On Oct 30, 2015, at 19:10, Sal LiRosi <sal@lirosi.com>

wrote:

Hi,

I reviewed the wines outstanding in my account. It appears there are still quite a few listed as "not-ready." All of these were for orders place more than 1 year ago - and some going back 3 years.

Can you please provide me with an update on availability? I will moving at year-end and therefore would like to plan accordingly.

Thanks,
Sal LiRosi
510-910-3578