

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
4/3/2016
Edward J. Emmons, Clerk

**Official Form 410
Proof of Claim****04/16**

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>Ted Nordstrom</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>Ted Nordstrom</u> Name 1 Infinite Loop Cupertino, CA 95014 Contact phone <u>4085068966</u> Contact email <u>ted@tednordstrom.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 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 _____ 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?	<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: _____
7. How much is the claim?	<div style="display: flex; justify-content: space-between;"><div>\$ <u>399.96</u></div><div>Does this amount include interest or other charges? <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>
8. What is the basis of the claim?	<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><u>Order of 4 bottles of champagne, never delivered to me.</u></p>
9. Is all or part of the claim secured?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.</div> <div>Nature of property: <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>Basis for perfection: _____</div> <div>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.)</div> <div><div>Value of property:</div><div>\$ _____</div></div> <div><div>Amount of the claim that is secured:</div><div>\$ _____</div></div> <div><div>Amount of the claim that is unsecured:</div><div>\$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</div></div> <div><div>Amount necessary to cure any default as of the date of the petition:</div><div>\$ _____</div></div> <div><div>Annual Interest Rate (when case was filed)</div><div>_____ %</div></div> <div><input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div>
10. Is this claim based on a lease?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____</div>
11. Is this claim subject to a right of setoff?	<div><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____</div>

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply.</i>	Amount entitled to priority
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 \$2,850* 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 \$12,850*) 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 4/01/19 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 4/3/2016
 MM / DD / YYYY

/s/ Ted Nordstrom

 Signature

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

Name Ted Nordstrom
 First name Middle name Last name

Title _____

Company _____

Address Identify the corporate servicer as the company if the authorized agent is a servicer

1 Infinite Loop, MS 25-RD
 Number Street
Cupertino, CA 95014

City State ZIP Code

Contact phone 4085068966 Email ted@tednordstrom.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000457591
Order Date: 10/9/2014

Salesperson: JG
Customer: 46884
Customer PO:


Sold To	Ship To
Ted Nordstrom 1 Infinite Loop MS 25-RD Cupertino, CA 95014 USA	Ted Nordstrom 294 Liberty St San Francisco, CA 94114 USA

Contact: Ted Nordstrom
Phone: (408) 506-8966

extended sale pricing!
This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
48766 05 Taittinger Comtes de Champagne	4.00	0.00	99.99	399.96

Payments:	435.96	Net Order:	399.96
		Freight:	0.00
		Sales Tax:	36.00
10/9/2014	VREAB46C11C7 *****9960		
		USD	435.96

From: Yeshe Wingerd Yeshe@premiercru.net 
Subject: RE: Your Premier Cru Order 457591
Date: April 30, 2015 at 13:09
To: Ted Nordstrom ted@tednordstrom.com

Hello Ted,

There are many orders ahead of you on the order queue. That being said we are getting multiple shipments of this wine this summer. My best estimate for your order to be filled is this fall. Feel free to check in at the end of the summer and we should have a more precise eta. Thanks and cheers.

Yeshe

From: Ted Nordstrom [<mailto:ted@tednordstrom.com>]
Sent: Wednesday, April 29, 2015 8:16 PM
To: Premier Cru
Subject: Re: Your Premier Cru Order 457591

Hi James,

Just curious to hear when you expect the bottles in my order below to arrive?

Order No.: SO-0000457591
Order Date.: Oct 9, 2014
Status: Open

Cheers,
Ted

Premier Cru wrote:

[Hi again Ted,](#)

Thank you for your order, e-mailed to you under separate cover. As you know from the website and my e-mail, 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. If you do choose to pick up at the store in future, there will be no shipping costs. Thanks for your business!

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
Web: www.premiercru.net

From: Ted Nordstrom [<mailto:ted@tednordstrom.com>]
Sent: Thursday, October 09, 2014 2:01 PM
To: Premier Cru
Subject: Re: Web Store Contact Us: Customer Service Question

Thank you James, could I buy 4 bottles @ \$99.99 please?

Ted Nordstrom
408-506-8966
ted@tednordstrom.com

Credit Card Billing Address:
1 Infinite Loop
MS 25-RD
Cupertino
CA, 95014

Shipping Address:
294 Liberty St
San Francisco
CA, 94114

Credit Card Details (MC)

Would you mind calling me at your convenience for the card number/details?

Thank you,

Ted



Premier Cru

October 9, 2014 at 13:19

Hello Ted,

Thank you for your interest in Premier Cru, a source of fine wines at excellent pricing since 1980. We are a brick and mortar wine store in the San Francisco Bay Area, and provide service to customers locally, nationally and internationally for over 30 years now.

As noted on our website at www.premiercru.net, we do indeed have this wine currently available for sale:

05 Taittinger Comtes de Champagne @ \$119.99 (pre-arrival)

Yes this was on sale for a limited time last weekend at \$99.99, and most of the remaining bottles were sold. We do have some bottles still remaining for sale. If you want to purchase immediately, we will extend last week's sale pricing to you. However this is not an open ended offer to extend the sale price indefinitely, so you do need to jump on this soon if you want these at reduced price.

You do not appear to be a current customer at Premier Cru. In general you can purchase via e-mail, telephone or our secure website at www.premiercru.net. In this case, because we are offering to discount the price available on the website, you will need to purchase via e-mail or telephone, and we will extend the sale price if appropriate.

You can still register your information on the secure website if you wish. One way or another though, we will need all the following information to sell you anything:

NAME
BILLING ADDRESS
SHIPPING ADDRESS (if different)
TELEPHONE
E-MAIL
CREDIT CARD (Visa, MC or Amex)

Please let me know should you have additional questions, or wish to place a firm order. Thanks again for your interest.

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
Web: www.premiercru.net

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

From: customer-service@premiercru.net

[<mailto:customer-service@premiercru.net>]

Sent: Thursday, October 09, 2014 12:46 PM

To: customer-service@premiercru.net

Cc: Ted

Subject: Web Store Contact Us: Customer Service Question

Customer Service Question:

Hi,

Any chance I could buy;

2005 Taittinger Comtes de Champagne

for the \$99 price advertised a few days ago?!

Thanks,

Ted