

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
4/8/2016
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>Fox Ortega Enterprises, Inc. dba Premier Cru</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>Fox Ortega Enterprises, Inc. dba Premier Cru</u> Name <u>3014 Woodland Dr. NW</u> <u>Washington, DC 20008</u> Contact phone <u>(202) 626-6087</u> Contact email <u>afeinberg@milchev.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>6314.70</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).</p> <p>Limit disclosing information that is entitled to privacy, such as healthcare information.</p> <p>Wine purchased but not received. See attached Sales Orders.</p> <p>_____</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>Amount of the claim that is secured:</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>Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable</div></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 4/8/2016
MM / DD / YYYY

/s/ Adam Peter Feinberg

Signature

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

Name Adam Peter Feinberg

First name Middle name Last name

Title _____

Company _____

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

Address 3014 Woodland Dr. NW

Number Street

Washington, DC 20008

City State ZIP Code

Contact phone (202) 626-6087 Email afeinberg@milchev.com

PREMIER CRU

Sales Order

Page: 1

5890 CHRISTIE AVENUE
EMERYVILLE, CA 94608
(510)655-6691 FAX(510)547-5405

Order Number: 0000336426
Order Date: 4/30/2010
Change Order: 0
Confirm No: 68054
Salesperson: RY
Customer: 39478
Customer PO:

Sold To

Adam Peter Feinberg
3055 Q St NW
Washington, DC 20007 USA

Ship To

Adam Peter Feinberg
Miller & Chevalier
655 15th St NW, Suite 900
Washington, DC 20005 USA

Phone: (202) 626-6087

Item		Ordered	Quantity Shipped	Unit Price	Amount
40033	08 Pavie	1.00	0.00	144.95	144.95
41264	09 St. Paul	6.00	0.00	12.99	77.94
40013	08 Ducru Beaucaillou	2.00	0.00	89.99	179.98
41125	09 St Joseph Granits Rouge, Chapoutier	3.00	0.00	35.00	105.00
39989	08 Pontet Canet	2.00	0.00	79.99	159.98
40032	08 Leoville las Cases	1.00	0.00	119.99	119.99
39961	08 Haut Brion	1.00	0.00	259.99	259.99

Received

Wine not received = \$969.89

Payments: 1,047.83

4/30/2010 VPFE5A9634B3 *****1004 1,047.83

Net Order: 1,047.83
Discount: 0.00
Freight: 0.00
Sales Tax: 0.00

USD 1,047.83

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000355264

Order Date: 5/3/2011

Web Order No: 79935

Salesperson: JG

Customer: 39478

Customer PO:

Sold To	Ship To
Adam Feinberg 3055 Q St NW Washington, DC 20007 USA	Adam Feinberg Miller & Chevalier 655 15th St NW Suite 900 Washington, DC 20005 USA

Contact: Adam Peter Feinberg
Phone: (202) 626-6087

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
41633 09 Leoville Poyferre	12.00	0.00	139.99	1,679.88

Nothing received

Payments: 1,679.88

5/3/2011	VDVE2A9A03CE	*****1004	1,679.88
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Net Order: 1,679.88

Freight: 0.00

Sales Tax: 0.00

USD 1,679.88

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000357927

Order Date: 6/15/2011

Web Order No: 81617

Salesperson: PB

Customer: 39478

Customer PO:

Sold To	Ship To
Adam Feinberg 3055 Q St NW Washington, DC 20007 USA	Adam Feinberg Miller & Chevalier 655 15th St NW Suite 900 Washington, DC 20005 USA

Contact: Adam Peter Feinberg
Phone: (202) 626-6087

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
43932 2010 Pichon Baron	6.00	0.00	205.00	1,230.00

5 of 6 received
wine not received = ~~18~~ 205.00

Payments: 1,230.00

6/15/2011	VZNE2BC31DAD	*****1004	1,230.00
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Net Order: 1,230.00

Freight: 0.00

Sales Tax: 0.00

USD 1,230.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000361353

Order Date: 8/18/2011

Web Order No: 83520

Salesperson: JG

Customer: 39478

Customer PO:

Sold To

Adam Feinberg
3055 Q St NW
Washington, DC 20007 USA

Ship To

Adam Feinberg
Miller & Chevalier
655 15th St NW
Suite 900
Washington, DC 20005 USA

Contact: Adam Peter Feinberg
Phone: (202) 626-6087

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
44254 08 Aalto, Bodegas Aalto	6.00	0.00	35.99	215.94

Nothing received

Payments: 215.94

Net Order: 215.94

Freight: 0.00

Sales Tax: 0.00

8/18/2011 VKME2DABF985 *****1004 215.94

USD 215.94

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000369732

Order Date: 12/18/2011

Web Order No: 88999

Salesperson: MC

Customer: 39478

Customer PO:

Sold To	Ship To
Adam Feinberg 3055 Q St NW Washington, DC 20007 USA	Adam Feinberg Miller & Chevalier 655 15th St NW Suite 900 Washington, DC 20005 USA

Contact: Adam Peter Feinberg
Phone: (202) 626-6087

Item	Ordered	Quantity Shipped	Unit Price	Amount
44850 2010 Second Growth Bordeaux Special Set	1.00	0.00	795.00	795.00

Received 1 of 5 bottles in set
wine not received equals approx. \$636.00

Payments:	795.00	Net Order:	795.00
12/19/2011 VSHE8A4AA59E *****1004	795.00	Freight:	0.00
		Sales Tax:	0.00
		USD	795.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000369733

Order Date: 12/18/2011

Web Order No: 89000

Salesperson: MC

Customer: 39478

Customer PO:

Sold To

Adam Feinberg
3055 Q St NW
Washington, DC 20007 USA

Ship To

Adam Feinberg
Miller & Chevalier
655 15th St NW
Suite 900
Washington, DC 20005 USA

Contact: Adam Peter Feinberg
Phone: (202) 626-6087

Item	Ordered	Quantity Shipped	Unit Price	Amount
44850 2010 Second Growth Bordeaux Special Set	1.00	0.00	795.00	795.00

Received 1 of 5 bottles in set
wine not received equals approx. \$636.00

Payments: 795.00

Net Order: 795.00

Freight: 0.00

Sales Tax: 0.00

12/19/2011 VXHE8B79F2E0 *****1004 795.00

USD 795.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000369734
Order Date: 12/18/2011
Web Order No: 89002
Salesperson: MC
Customer: 39478
Customer PO:

Sold To

Adam Feinberg
3055 Q St NW
Washington, DC 20007 USA

Ship To

Adam Feinberg
Miller & Chevalier
655 15th St NW
Suite 900
Washington, DC 20005 USA

Contact: Adam Peter Feinberg
Phone: (202) 626-6087

Item	Ordered	Quantity Shipped	Unit Price	Amount
44850 2010 Second Growth Bordeaux Special Set	2.00	0.00	795.00	1,590.00

Received 1 of 5 bottles in both sets
Wine not received equals approx. \$1,272.00

Payments: 1,590.00

12/19/2011	VTHE8B29AEAD	*****1004	1,590.00
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Net Order: 1,590.00

Freight: 0.00

Sales Tax: 0.00

USD 1,590.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000416029

Order Date: 6/19/2013

Web Order No: 128372

Salesperson: PB

Customer: 39478

Customer PO:

Sold To	Ship To
Adam Feinberg 3014 Woodland Dr NW Washington, DC 20008 USA	Adam Feinberg 4221 Connecticut Avenue NW Rear Access Domaine Wine Storage (202) 808-0858 Washington, DC 20008 USA

Contact: Adam Peter Feinberg
Phone: (202) 626-6087

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
44113 2010 Leoville las Cases 3 Liter	1.00	0.00	699.99	699.99

Nothing received

Payments: 699.99

6/19/2013	VQEE9A1450F7	*****2002	699.99
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Net Order: 699.99

Freight: 0.00

Sales Tax: 0.00

USD 699.99