

Fill in this information to identify the case:

Debtor 1

FOX ORTEGA ENTERPRISES, INC

Debtor 2

(Spouse, if filing)

dba Premier Cru

United States Bankruptcy Court for the

Northern District of California

Case number

16-40050 WJL

2 FILED

2016 APR -5 AM 10:32

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE, CALIF.

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?

Peter Q. LOCKER

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?

☒ No

☐ 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?

Peter Q. LOCKER

Name

166 East 63 Street

Number

Street

NY NY

10065-7636

City

State

ZIP Code

212.779.8297

Contact phone

Contact email

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?

☒ No

☐ 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?

☒ No

☐ 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? \$ 33,700 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 BOUGHT AND STORED AT FOX ORTEGA ENTERPRISES, Inc. dba Premier Cru

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:

Bottles of Fine and Rare Wine

**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:

\$ 33,700

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) UNK%

☐ 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. \$ \_\_\_\_\_

Is this claim subject to a right of setoff? ☒ No

☐ Yes. Identify the property: \_\_\_\_\_

① OR DELIVERY of actual goods attached on inventory - DATED 10-28-14 PROVIDED BY DEBTOR "PREMIER CRUISE" TO PETER Q. LOCKER  
② other goods NOT LISTED  
SEEKING DOCUMENTATION

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ 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

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* 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

3.30.16  
MM / DD / YYYY

Signature

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

Name

Peter Q. LOCKER

First name

Middle name

Last name

Title

Company

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

Address

166 EAST 63 STREET

Number

Street

City

State

ZIP Code

NY NY 10065-7636

Contact phone

Email

Peter Q. Locker

ploc

8

1.5 L 24  
375 ML 1  
750 ML 166  
Total: 191

Pulled By:

Inspected By:

Packed By:

Shipment: 0000286730-SH  
CA Sales Tax Due: 788.64  
Pick List: 0000078098

Item Order	Description	Line	Ship To	Ship To Name	Shipment No	Ship Line	Qty To Pick	UOM	Qty Picked	Pick Line
10682	96 Hermitage Blanc Chante Alouette, Chapoutier	1	0000286730-SH	27			4.00			31
SO-45928-A-P										
11198	96 Nuits Corvees Mags, Roch	6	0000286730-SH	26			2.00			30
SO-45382-F-P										
11393	97 Nuits Corvees, Roch	1	0000286731-SH	23			1.00			63
SO-63389-A-P										
11600	97 Gewurz Steingrubler, Mann	3	0000286730-SH	15			7.00			17
SO-44959-C-P										
11601	97 Pinot Gris Hengst, Mann	4	0000286730-SH	16			7.00			18
SO-44959-C-P										
11603	97 Riesling Schlossberg, Mann	5	0000286730-SH	17			7.00			19
SO-44959-C-P										
11608	97 Riesling Rangen, Schoffit	6	0000286730-SH	18			5.00			20
SO-44959-C-P										
11609	97 Tokay Rangen, Schoffit	7	0000286730-SH	19			5.00			21
SO-44959-C-P										
11610	97 Gewurz Rangen, Schoffit	10	0000286730-SH	21			5.00			24
SO-44959-C-P										
SO-45382-F-P		5	0000286730-SH	25			2.00			29
11748	96 Corton Clos du Roi, Moillard	1	0000286730-SH	2			1.00			2
SO-42075-B-P										
11749	96 Vosne Malconsorts, Moillard	1	0000286731-SH	6			17.00			40
SO-47234-A-P										
12347	98 Quintault l'Enclos Magnum	1	0000286730-SH	4			6.00			4
SO-42891-A-P										
SO-46343-A-P		2	0000286730-SH	30			6.00			35
12349	97 Gevrey Goulots, Heresztyn	2	0000286730-SH	28			2.00			32
SO-45928-A-P										
12420	96 Nuits Blanc, Laurent									

Run Date: 10/28/2014  
Business Date: 10/28/2014 2:24:03 PM

Peter Q. Locker  
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Item Order	Description	Line Ship To	Ship To Name	Shipment No	Ship Line	Qty To Pick	UOM	Qty Picked	Pick Line
SO-43077-B-P	3 0000286730-SH	6				1.00			7
12421	96 Beaine Reversees, Laurent								
SO-43077-B-P	5 0000286730-SH	8				1.00			9
12422	96 Meursault Forges, Laurent								
SO-43077-B-P	4 0000286730-SH	7				1.00			8
SO-44959-C-P	8 0000286730-SH	20				1.00			22
12952	98 Clos de l'Oratoire, Magnum								
SO-41133-A-P	1 0000286730-SH	1				6.00			1
SO-46343-A-P	1 0000286731-SH	1				2.00			34
13275	97 Clos de Beze, Darnoy								
SO-44959-C-P	1 0000286730-SH	13				4.00			15
13298	90 Gewurztraminer VT, Bot Freres								
SO-45382-F-P	2 0000286730-SH	24				13.00			27
13424	97 Volnay Santenots, R. Jobard								
SO-44959-C-P	2 0000286730-SH	14				1.00			16
SO-45382-F-P	1 0000286730-SH	23				4.00			26
13837	93 Corton Charlemagne, Verget								
SO-44511-C-P	3 0000286730-SH	11				1.00			13
13859	90 Pommard Rugiens, Montille								
SO-44511-C-P	1 0000286730-SH	10				5.00			11
13934	87 Musigny V.V. 1/2s, Vogue								
SO-53219-A-P	1 0000286731-SH	9				1.00			45
14294	96 Beaine Greves, Moillard								
SO-46511-A-P	2 0000286731-SH	3				2.00			37
14295	96 Nuits Clos de Thorey, Moillard								
SO-46511-A-P	3 0000286731-SH	4				2.00			38
14296	96 Clos Vougeot, Moillard								
SO-46511-A-P	4 0000286731-SH	5				17.00			39
14302	96 Corton Voierosse, Moillard								
SO-46511-A-P	1 0000286731-SH	2				3.00			36
14341	97 Hermitage Sizeranne, Chapoutier								
SO-53474-B-P	1 0000286731-SH	17				4.00			53
14974	87 Ruchottes, Bonnetfond								
SO-49131-A-P	1 0000286731-SH	7				1.00			42
15018	97 Fonsalette Rouge								
SO-63427-A-P	1 0000286731-SH	24				3.00			65

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Item Order	Description	Line Ship To	Ship To Name	Shipment No	Ship Line	Qty To Pick (ON)	Qty Picked	Pick Line
15172	94 Tokay Jebosal SGN T're Speciale, Zind Humbrecht							
SO-50881-A-P	2 0000286731-SH 8 22.50					1.00		1
16860	96 Echezeaux, Mugneret-Gibourg							
SO-53294-A-P	6 0000286731-SH 15 5.40					1.00		1
16862	97 Bourgogne Rouge, Mugneret-Gibourg							
SO-53294-A-P	1 0000286731-SH 10 4.48					5.00		5
16866	97 Echezeaux, Mugneret-Gibourg							
SO-53294-A-P	5 0000286731-SH 14 4.95					1.00		1
16867	95 Echezeaux, Mugneret-Gibourg							
SO-53294-A-P	4 0000286731-SH 13 4.50					1.00		1
16868	97 Nuits Vignes Rondes, Mugneret-Gibourg							
SO-53294-A-P	3 0000286731-SH 12 3.06					1.00		1
16977	99 Beaune 1er Cru V.V., Laurent							
SO-53294-A-P	2 0000286731-SH 11 10.44					4.00		4
17504	92 Pommard Epeneaux, Armand							
SO-56709-B-P	1 0000286731-SH 21 2.25					1.00		1
17682	99 Vosne Parantoux, Rouget							
SO-55595-A-P	1 0000286731-SH 18 70.20					4.00		4
17717	87 Chablis Valmur, Ravenneau							
SO-56188-B-P	2 0000286731-SH 20 6.75					1.00		1
17941	91 Cornas, Chapoutier							
SO-56188-B-P	1 0000286731-SH 19 1.35					1.00		1
18687	89 Riesling Herrenweg, Magnum, Zind Humbrecht							
SO-60795-C-P	1 0000286731-SH 22 14.58					2.00		2
AR346	88 Meursault Narvaux, Leroy							
SO-42075-B-P	2 0000286730-SH 3 6.65					2.00		2
C2457	93 Bonnes Mares, Vogue							
SO-44959-C-P	11 0000286730-SH 22 48.60					4.00		4
C2877	95 Vosne V.V., Bizot							
SO-43077-B-P	2 0000286730-SH 5 2.25					1.00		1
SO-43538-A-P	1 0000286730-SH 9 2.25					1.00		1
C3399	97 Echezeaux, Laurent							
SO-44511-C-P	4 0000286730-SH 12 8.55					1.00		1
C3458	96 Clos St. Denis, Heresztyn							
SO-45928-A-P	3 0000286730-SH 29 38.88					8.00		8
R1581	95 Cote Rotie Mordoree, Chapoutier							

Run Date:

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Business Date:

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Item	Description		Ship To Name		Shipment No	Ship Line	Qty To Pick	FROM	Qty Picked	Pick Line
Order	Line	Ship To	Ship To Name							
SO-53294-A-F	7	0000286731-SH	16			8.55				52
						1.00				

I agree to pay sales tax in the amount of \$788.64.

191

CA Sales Tax Due: 788.64

Received By: \_\_\_\_\_

Run Date:  
Business Date:

10/28/2014  
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Peter Q. Locker

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Peter Q. Locker

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1.5 L 24  
375 ML 1  
750 ML 166  
Total: 191

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Inspected By:

Packed By:

Shipment: 0000286730-SH  
CA Sales Tax Due: 788.64  
Pick List: 0000078098

Item	Description	Line	Ship To	Ship To Name	Shipment No	Ship Line	Qty To Pick	UOM	Qty Picked	Pick Line
10682	96 Hermitage Blanc Chante Alouette, Chapoutier	1	0000286730-SH	27			4.00			31
SO-45928-A-P										
11198	96 Nuits Corvees Mags, Roch	6	0000286730-SH	26			2.00			30
SO-45382-F-P										
11393	97 Nuits Corvees, Roch	1	0000286731-SH	23			1.00			63
SO-63389-A-P										
11600	97 Gewurz Steingrubler, Mann	3	0000286730-SH	15			7.00			17
SO-44959-C-P										
11601	97 Pinot Gris Hengst, Mann	4	0000286730-SH	16			7.00			18
SO-44959-C-P										
11603	97 Riesling Schlossberg, Mann	5	0000286730-SH	17			7.00			19
SO-44959-C-P										
11608	97 Riesling Rangen, Schoffit	6	0000286730-SH	18			5.00			20
SO-44959-C-P										
11609	97 Tokay Rangen, Schoffit	7	0000286730-SH	19			5.00			21
SO-44959-C-P										
11610	97 Gewurz Rangen, Schoffit	10	0000286730-SH	21			5.00			24
SO-44959-C-P										
SO-45382-F-P										
11748	96 Corton Clos du Roi, Moillard	5	0000286730-SH	25			2.00			29
SO-42075-B-P										
11749	96 Vosne Malconsorts, Moillard	1	0000286730-SH	2			1.00			2
SO-47234-A-P										
12347	98 Quintault l'Enclos Magnum	1	0000286730-SH	4			6.00			4
SO-42891-A-P										
SO-46343-A-P										
12349	97 Gevrey Goulots, Heresztyn	2	0000286730-SH	30			6.00			35
SO-45928-A-P										
12420	96 Nuits Blanc, Laurent	2	0000286730-SH	28			2.00			32

Run Date: 10/28/2014  
Business Date: 10/28/2014 2:24:03 PM

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Page 1 of 4



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Item Order	Description	Line Ship To	Ship To Name	Shipment No	Ship Line	Qty To Pick UOM	Qty Picked	Pick Line
SO-43077-B-P	3 0000286730-SH 6					1.00		7
12421	96 Beaune Reversees, Laurent						1	
SO-43077-B-P	5 0000286730-SH 8					1.00		9
12422	96 Meursault Forges, Laurent						2	
SO-43077-B-P	4 0000286730-SH 7					1.00		8
SO-44959-C-P	8 0000286730-SH 20					1.00		22
12952	98 Clos de l'Oratoire, Magnum						8	
SO-41133-A-P	1 0000286730-SH 1					6.00		1
SO-46343-A-P	1 0000286731-SH 1					2.00		34
13275	97 Clos de Beze, Darnay						4	
SO-44959-C-P	1 0000286730-SH 13					4.00		15
13298	90 Gewurztraminer VT, Bott Freres						13	
SO-45382-F-P	2 0000286730-SH 24					13.00		27
13424	97 Volnay Santenots, R. Jobard						5	
SO-44959-C-P	2 0000286730-SH 14					1.00		16
SO-45382-F-P	1 0000286730-SH 23					4.00		26
13837	93 Corton Charlemagne, Verget						1	
SO-44511-C-P	3 0000286730-SH 11					1.00		13
13859	90 Pommard Rugiens, Montille						5	
SO-44511-C-P	1 0000286730-SH 10					5.00		11
13934	87 Musigny V.V. 1/2s, Vogue						1	
SO-53219-A-P	1 0000286731-SH 9					1.00		45
14294	96 Beaune Greves, Moillard						2	
SO-46511-A-P	2 0000286731-SH 3					2.00		37
14295	96 Nuits Clos de Thorey, Moillard						2	
SO-46511-A-P	3 0000286731-SH 4					2.00		38
14296	96 Clos Vougeot, Moillard						17	
SO-46511-A-P	4 0000286731-SH 5					17.00		39
14302	96 Corton Voierosse, Moillard						3	
SO-46511-A-P	1 0000286731-SH 2					3.00		36
14341	97 Hermitage Sizeranne, Chapoutier						4	
SO-53474-B-P	1 0000286731-SH 17					4.00		53
14974	87 Ruchottes, Bonnefond						1	
SO-49131-A-P	1 0000286731-SH 7					1.00		42
15018	97 Fonsalette Rouge						3	
SO-63427-A-P	1 0000286731-SH 24					3.00		65

Run Date:

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Page 2 of 4

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Item Order	Description	Line Ship To	Ship To Name	Shipment No	Ship Line	Qty To Pick (OV)	Qty Picked	Pick Line
15172	94 Tokay Jebstal SGN Trie Speciale, Zind Humbrecht					1		
SO-50881-A-P	2 0000286731-SH 8		22.50			1.00		
16860	96 Echezeaux, Mugneret-Gibourg					1		
SO-53294-A-P	6 0000286731-SH 15		5.40			1.00		
16862	97 Bourgegne Rouge, Mugneret-Gibourg					5		
SO-53294-A-P	1 0000286731-SH 10		4.48			5.00		
16866	97 Echezeaux, Mugneret-Gibourg					1		
SO-53294-A-P	5 0000286731-SH 14		4.95			1.00		
16867	95 Echezeaux, Mugneret-Gibourg					1		
SO-53294-A-P	4 0000286731-SH 13		4.50			1.00		
16868	97 Nuits Vignes Rondes, Mugneret-Gibourg					1		
SO-53294-A-P	3 0000286731-SH 12		3.06			1.00		
16977	99 Beaune 1er Cru V.V., Laurent					4		
SO-53294-A-P	2 0000286731-SH 11		10.44			4.00		
17504	92 Pommard Epeneaux, Armand					1		
SO-56709-B-P	1 0000286731-SH 21		2.25			1.00		
17682	99 Vosne Parantoux, Rouget					4		
SO-53595-A-P	1 0000286731-SH 18		70.20			4.00		
17717	87 Chablis Valmur, Ravenneau					1		
SO-56188-B-P	2 0000286731-SH 20		6.75			1.00		
17941	91 Cornas, Chapoutier					1		
SO-56188-B-P	1 0000286731-SH 19		1.35			1.00		
18687	89 Riesling Herrenweg, Magnum, Zind Humbrecht					2		
SO-60795-C-P	1 0000286731-SH 22		14.58			2.00		
AR346	88 Meursault Narvaux, Leroy					2		
SO-42075-B-P	2 0000286730-SH 3		6.65			2.00		
C2457	93 Bonnes Mares, Vogue					4		
SO-44959-C-P	11 0000286730-SH 22		48.60			4.00		
C2877	95 Vosne V.V., Bizot					2		
SO-43077-B-P	2 0000286730-SH 5		2.25			1.00		
SO-43538-A-P	1 0000286730-SH 9		2.25			1.00		
C3399	97 Echezeaux, Laurent					1		
SO-44511-C-P	4 0000286730-SH 12		8.55			1.00		
C3458	96 Clos St. Denis, Heresztyn					8		
SO-45928-A-P	3 0000286730-SH 29		38.88			8.00		
R1581	95 Cote Rotie Mordoree, Chapoutier					1		

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SO-53294-A-F	7	0000286731-SH	16	8.55				1.00			52

I agree to pay sales tax in the amount of \$788.64.

191

CA Sales Tax Due: 788.64

Received By: \_\_\_\_\_

Run Date: 10/28/2014  
Business Date: 10/28/2014 2:24:03 PM

Peter Q. Locker

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