

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises Inc
 Debtor 2 dba Premier Cru
 (Spouse, if filing)

United States Bankruptcy Court for the Northern District of CALIFORNIA

Case number 16-40050 WILZ

OPEN

2016 APR -7 AM 10:48

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?

PAUL MARINI

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?

PAUL MARINI

Name

3 SOUTHEAST WAY

Number Street

BRONXVILLE NY 10708

City State ZIP Code

Contact phone 1-914-906-3325

Contact email paulmarini@mac.com

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? \$ 1259.33 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.
GOOD SOLD, NEVER DELIVERED

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

NOT THAT I AM AWARE

☐ Yes. Check all that apply:

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.

☐ 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 04/05/2016
MM DD YYYY

Signature

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

Name

PAUL
First name

ARMAND
Middle name

MARINI
Last name

Title

Company

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

Address

3 SOUTHEAST WAY
Number Street

BRONXVILLE
City

NY
State

10708
ZIP Code

Contact phone

1-914-906-3325

Email

paulmarini@msa.com

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000493461

Order Date: 10/31/2015

Web Order No: 187962

Salesperson: TN

Customer: 47916

Customer PO:

Sold To	Ship To
Paul Marini 3 Southeast Way Bronxville, NY 10708 USA	Paul Marini 3 Southeast Way Bronxville, NY 10708 USA

Phone: (914) 337-7655

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51789 2005 Bollinger Grand Annee	2.00	0.00	64.99	129.98

Payments:	129.98	Net Order:	129.98
10/31/2015 AX0ADBC34396 *****6962 129.98		Freight:	0.00
		Sales Tax:	0.00
		USD	129.98

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000491896

Order Date: 10/10/2015

Web Order No: 186693

Salesperson: TN

Customer: 47916

Customer PO:

Sold To

Paul Marini
3 Southeast Way
Bronxville, NY 10708 USA

Ship To

Paul Marini
3 Southeast Way
Bronxville, NY 10708 USA

Phone: (914) 337-7655

35% discount applied

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51789 2005 Bollinger Grand Annee	2.00	0.00	55.24	110.49

Payments: 110.49

Net Order: 110.49

Freight: 0.00

Sales Tax: 0.00

10/10/2015	AR0AC968C522	*****6962	110.49
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USD 110.49

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000491150

Order Date: 9/27/2015

Web Order No: 186130

Salesperson:

Customer: 47916

Customer PO:

Sold To

Paul Marini
3 Southeast Way
Bronxville, NY 10708 USA

Ship To

Paul Marini
3 Southeast Way
Bronxville, NY 10708 USA

Phone: (914) 337-7655

Item	Ordered	Quantity Shipped	Unit Price	Amount
51299 2010 Brunello di Montalcino, Argiano	2.00	0.00	38.99	77.98

Net Order: 77.98

Payments: 77.98

Freight: 0.00

Sales Tax: 0.00

9/27/2015	AU0AD9741BA9	*****6962	77.98
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USD 77.98

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000490018

Order Date: 9/13/2015

Web Order No: 185268

Salesperson: KR

Customer: 47916

Customer PO:

Sold To	Ship To
Paul Marini 3 Southeast Way Bronxville, NY 10708 USA	Paul Marini 3 Southeast Way Bronxville, NY 10708 USA

Phone: (914) 337-7655

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
52618 2012 Tignanello, Antinori	3.00	0.00	45.00	135.00

Payments:	135.00	Net Order:	135.00
9/14/2015 AX0AD910C937 *****6962 135.00		Freight:	0.00
		Sales Tax:	0.00
		USD	135.00

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000489378

Order Date: 9/6/2015

Web Order No: 184720

Salesperson:

Customer: 47916

Customer PO:

Sold To

Paul Marini
3 Southeast Way
Bronxville, NY 10708 USA

Ship To

Paul Marini
3 Southeast Way
Bronxville, NY 10708 USA

Phone: (914) 337-7655

Item		Ordered	Quantity Shipped	Unit Price	Amount
51789	2005 Bollinger Grand Annee	2.00	0.00	64.99	129.98
51386	2013 Chablis Vaudesir, Fevre	2.00	0.00	39.99	79.98
51385	2013 Chablis Valmur, Fevre	2.00	0.00	39.99	79.98
52616	2012 Ornellaia, Tenuta dell'Ornellaia	2.00	0.00	103.99	207.98
51790	2012 Sassicaia, Tenuta San Guido	2.00	0.00	103.99	207.98
51384	2013 Chablis Preuses, Fevre	2.00	0.00	49.99	99.98

Payments: 805.88

Net Order: 805.88

Freight: 0.00

Sales Tax: 0.00

9/7/2015	AU0AD84BB0DE	*****6962	805.88
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USD 805.88

Lauren Gamer

From: Paul Marini <paulmarini@icloud.com>
Sent: Monday, April 04, 2016 11:02 AM
To: Lauren Gamer
Subject: Fwd: Premier Cru Order Acknowledgement

Follow Up Flag: Follow up
Flag Status: Completed

Sent from my iPad

Begin forwarded message:

From: Paul Marini <paulmarini@mac.com>
Date: September 9, 2015 at 1:18:01 PM EDT
To: Premier Cru <sales@premiercru.net>
Subject: Re: Premier Cru Order Acknowledgement

Got it. Was my first order w/you and didn't know your system. Thanks

Sent from my iPhone

On Sep 8, 2015, at 2:27 PM, Premier Cru <sales@premiercru.net> wrote:
Dear Paul,

Thank you for your email. Since your wines are scheduled for prearrival, we usually do not take down a shipping address before they arrive. Once your wines arrive, you will receive an email notification. Please note that we do not ship automatically and always confirm your shipping address prior to shipment.

Best Regards,

Sunita Aggarwal
Premier Cru - the world's finest wines

1011 University Avenue
Berkeley, CA 94710 ([directions](#))
phone (510) 644-9463 ext. 11
fax (510) 647-3833
sunita@premiercru.net

From: Paul Marini [<mailto:paulmarini@mac.com>]
Sent: Sunday, September 06, 2015 11:16 AM
To: Premier Cru
Subject: Re: Premier Cru Order Acknowledgement

I didn't get a chance to specify shipping instructions, but I would like this delivered to an address in San Francisco.

Sent from my iPad

On Sep 6, 2015, at 12:16 PM, Premier Cru <shipping@premiercru.net> wrote:

Thank you for your order.
Premier Cru has received your web order request.
Your web order number is SO-0000489378-184720.

Sales are processed in the order they are received. Once we have determined that the wines you requested are available, we will confirm and process your order.
Our online inventory is updated every minute. However since many wines are in high demand and limited supply, we cannot guarantee that the wines you requested were still available at the time your order was submitted. Once we determine this, process your order and bill you, your order is confirmed and we will e-mail you a confirmed copy.

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

Premier Cru
1011 University Avenue
Berkeley, CA 94710
(510) 644-9463