

LM 10:50 a.m.
FILED

APR 7 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

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

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>Harvey Jay Cohen</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>Harvey Jay Cohen</u> Name <u>5105 Indian Heights Drive</u> Number Street <u>Cincinnati</u> <u>OH</u> <u>45243</u> City State ZIP Code Contact phone <u>513-977-8144</u> Contact email <u>harvey.cohen@dinsmore.com</u>	Where should payments to the creditor be sent? (if different) <u>Harvey Jay Cohen</u> Name <u>5105 Indian Heights Drive</u> Number Street <u>Cincinnati</u> <u>OH</u> <u>45243</u> City State ZIP Code Contact phone <u>513-977-8144</u> Contact email <u>harvey.cohen@dinsmore.com</u>
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
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? ☒ 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? \$ 3,268.54. 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.
Wine

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)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ 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).

☐ 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).

☐ 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 4/01/19 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 04/04/2016
MM / DD / YYYY

Signature

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

Name Harvey Jay Cohen
First name Middle name Last name

Title _____

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

Address 5105 Indian Heights Drive
Number Street
Cincinnati OH 45243
City State ZIP Code

Contact phone 513-977-8144 Email harvey.cohen@dinsmore.com

PREMIER CF

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000488978

Order Date: 9/1/2015

Salesperson: TG

Customer: hcohe

Customer PO:

Sold To

Harvey Cohen
5105 Indian Heights Drive
Cincinnati, OH 45243 USA

Ship To

HARVEY COHEN
255 EAST 5TH STREET
19TH FLOOR
Cincinnati, OH 45202 USA

Contact: Harvey J Cohen
Phone: (513) 977-8144
Fax: (513) 977-8423

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
49043 2012 Beaucastel	3.00	0.00	45.49	136.47

*disputed
only*

*136.47
- 344.99

329.48*

Payments: 136.47

Net Order: 136.47

Freight: 0.00

Sales Tax: 0.00

9/1/2015	AU3AD7F7772B	*****3009	136.47
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USD 136.47

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000491009

Order Date: 9/26/2015

Web Order No: 185988

Salesperson: TN

Customer: hcohe

Customer PO:

Sold To

Harvey Cohen
5105 Indian Heights Drive
Cincinnati, OH 45243 USA

Ship To

HARVEY COHEN
255 EAST 5TH STREET
19TH FLOOR
Cincinnati, OH 45202 USA

Contact: Harvey J Cohen
Phone: (513) 977-8144
Fax: (513) 977-8423

This order has been paid by Visa - Thank You!

Item		Ordered	Quantity Shipped	Unit Price	Amount
CEF15	Krug Magnums	1.00	0.00	209.99	209.99
52728	2013 Oreno, Sette Ponti	3.00	0.00	45.00	135.00

*disputed
mt*

Payments: 344.99

Net Order: 344.99

Freight: 0.00

Sales Tax: 0.00

9/26/2015 AS0AD7F0DB3C *****2350 344.99

USD 344.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000474773

Order Date: 3/31/2015

Salesperson: MR

Customer: hcohe

Customer PO:

Sold To

Harvey Cohen
5105 Indian Heights Drive
Cincinnati, OH 45243 USA

Ship To

HARVEY COHEN
255 EAST 5TH STREET
19TH FLOOR
Cincinnati, OH 45202 USA

Contact: Harvey J Cohen

Phone: (513) 977-8144

Fax: (513) 977-8423

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
51670 2010 Brunello di Montalcino Montosoli, Altesino	3.00	0.00	59.99	179.97

Briny 2010

Payments: 179.97

Net Order: 179.97

Freight: 0.00

Sales Tax: 0.00

3/31/2015 AR3ABEBD42A6 *****3009 179.97

USD 179.97

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

Sales Order

Page: 1

Order Number: 0000464344

Order Date: 12/14/2014

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

Salesperson: PB

Customer: hcohe

Customer PO:

Sold To	Ship To
Harvey Cohen 5105 Indian Heights Drive Cincinnati, OH 45243 USA	HARVEY COHEN 255 EAST 5TH STREET 19TH FLOOR Cincinnati, OH 45202 USA

Contact: Harvey J Cohen

Phone: (513) 977-8144

Fax: (513) 977-8423

Item	Ordered	Quantity Shipped	Unit Price	Amount
51342 2010 Brunello di Montalcino, Pacenti	3.00	0.00	71.49	214.47

Payments:	214.47	Net Order:	214.47	
12/14/2014	VSHAC7E57662 *****3474	214.47	Freight:	0.00
			Sales Tax:	0.00
			USD	214.47

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000462969

Order Date: 12/3/2014

Salesperson: JG

Customer: hcohe

Customer PO:

Sold To	Ship To
Harvey Cohen 5105 Indian Heights Drive Cincinnati, OH 45243 USA	HARVEY COHEN 255 EAST 5TH STREET 19TH FLOOR Cincinnati, OH 45202 USA

Contact: Harvey J Cohen
Phone: (513) 977-8144
Fax: (513) 977-8423

\$20.00 to store Credit, \$339.94 to AX

Item	Ordered	Quantity Shipped	Unit Price	Amount
51257 2010 Brunello di Montalcino Pianrosso, Piccolomini	6.00	0.00	59.99	359.94

Payments: 359.94

Net Order: 359.94

Freight: 0.00

Sales Tax: 0.00

12/3/2014	462969		20.00
12/3/2014	VPFAB6109ED3	*****3009	339.94

USD 359.94

PREMIER CRU

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

Sales Order

Page: 1

Order Number: 0000333402

Order Date: 2/19/2010

Change Order: 0

Confirm No:

Salesperson: MC

Customer: hcohe

Customer PO:

Sold To

HARVEY COHEN
255 EAST 5TH STREET
19TH FLOOR
Cincinnati, OH 45202 USA

Ship To

HARVEY COHEN
255 EAST 5TH STREET
19TH FLOOR
Cincinnati, OH 45202 USA

Contact: HARVEY COHEN

Phone: (513) 977-8144

Fax: (513) 977-8423

Item	Ordered	Quantity Shipped	Unit Price	Amount
40583 07 Chateau de Gues Quartz Magnum, Clos de Caillet	1.00	0.00	139.99	139.99
39454 04 Brunello Castelgiocondo, Frescobaldi	6.00	0.00	49.99	299.94

not here 3/12
Swap to testing

Payments: 439.93

Net Order: 439.93

Discount: 0.00

Freight: 0.00

Sales Tax: 0.00

2/19/2010 VSHE4DEF8FC6 *****3009 439.93

USD 439.93

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000443903

Order Date: 4/30/2014

Salesperson: SA

Customer: hcohe

Customer PO:

Sold To

Harvey Cohen
5105 Indian Heights Drive
Cincinnati, OH 45243 USA

Ship To

HARVEY COHEN
255 EAST 5TH STREET
19TH FLOOR
Cincinnati, OH 45202 USA

Contact: Harvey J Cohen

Phone: (513) 977-8144

Fax: (513) 977-8423

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
46807 07 Chateauneuf Cuvee Anonyme, Xavier Vins X	3.00	0.00	49.99	149.97
47711 09 Eneo, Montepeloso	6.00	0.00	34.99	209.94

Payments: 359.91

Net Order: 359.91

Freight: 0.00

Sales Tax: 0.00

5/14/2014	443903		69.99
5/14/2014	VSJABBAE242D	*****3009	289.92

USD 359.91

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000454288

Order Date: 9/2/2014

Salesperson: JG

Customer: hcohe

Customer PO:

Sold To

Harvey Cohen
5105 Indian Heights Drive
Cincinnati, OH 45243 USA

Ship To

HARVEY COHEN
255 EAST 5TH STREET
19TH FLOOR
Cincinnati, OH 45202 USA

Contact: Harvey J Cohen

Phone: (513) 977-8144

Fax: (513) 977-8423

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
CEF16 Krug Grand Cuvee	1.00	0.00	119.99	119.99

aq

Payments: 119.99

Net Order: 119.99

Freight: 0.00

Sales Tax: 0.00

9/2/2014	VPFAB1E0D22C	*****3009	119.99
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USD 119.99

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000439773

Order Date: 3/18/2014

Salesperson: JG

Customer: hcohe

Customer PO:

Sold To

Harvey Cohen
5105 Indian Heights Drive
Cincinnati, OH 45243 USA

Ship To

HARVEY COHEN
255 EAST 5TH STREET
19TH FLOOR
Cincinnati, OH 45202 USA

Contact: Harvey J Cohen

Phone: (513) 977-8144

Fax: (513) 977-8423

This order has been paid by Visa - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
38917 06 Chateaufeuf Clos des Papes Magnum, Avril	1.00	0.00	199.99	199.99
46853 2010 Chateaufeuf Cuvée Quartz, Clos de Caillou	1.00	0.00	69.99	69.99

Cancelled 4-30-14

X Xavier Arroyave 2017 49.99
6 ~~Monte Peloso 2014 69.99~~

Payments: 269.98

Net Order: 269.98

Freight: 0.00

Sales Tax: 0.00

3/18/2014 VUJEB9A59C0B *****3474 269.98

USD 269.98

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000418580

Order Date: 7/18/2013

Salesperson: JG

Customer: hcohe

Customer PO:

Sold To	Ship To
Harvey Cohen 5105 Indian Heights Drive Cincinnati, OH 45243 USA	HARVEY COHEN 255 EAST 5TH STREET 19TH FLOOR Cincinnati, OH 45202 USA

Contact: HARVEY J COHEN

Phone: (513) 977-8144

Fax: (513) 977-8423

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
48129 09 San Roman, Bodegas Y Vinedos Maurodos	6.00	0.00	31.99	191.94

Payments: 191.94

Net Order: 191.94

Freight: 0.00

Sales Tax: 0.00

7/18/2013 VSYEAAC0B3A9 *****3009 191.94

USD 191.94

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000417106
Order Date: 6/29/2013

Salesperson: PB
Customer: hcohe
Customer PO:

Sold To	Ship To
Harvey Cohen 5105 Indian Heights Drive Cincinnati, OH 45243 USA	HARVEY COHEN 255 EAST 5TH STREET 19TH FLOOR Cincinnati, OH 45202 USA

Contact: HARVEY J COHEN
Phone: (513) 977-8144
Fax: (513) 977-8423

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
47849 99 Egly-Ouriet Brut Grand Cru Magnum	2.00	0.00	175.00	350.00

Payments: 350.00

Net Order: 350.00

Freight: 0.00

Sales Tax: 0.00

USD 350.00

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1

Order Number: 0000411291

Order Date: 4/27/2013

Salesperson: PB

Customer: hcohe

Customer PO:

Sold To	Ship To
Harvey Cohen 5105 Indian Heights Drive Cincinnati, OH 45243 USA	HARVEY COHEN 255 EAST 5TH STREET 19TH FLOOR Cincinnati, OH 45202 USA

Contact: HARVEY J COHEN

Phone: (513) 977-8144

Fax: (513) 977-8423

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
47709 2010 Chateaufeuf du Pape <u>Magnum</u> , Chateau Sixtine	2.00	0.00	79.99	159.98
47691 2010 Chateaufeuf du Pape <u>Trois Sources</u> , Vieille Julienne	3.00	0.00	46.99	140.97

Payments: 300.95

Net Order: 300.95

Freight: 0.00

Sales Tax: 0.00

07/2013 VPCE8D5B3A6D *****3009 300.95

USD 300.95