

LM 10:36 a.m.
FILED

APR 12 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

Fill in this information to identify the case:

Debtor 1 Fox Ortega Enterprises

Debtor 2 Premier Cru
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California

Case number 16-40050 WJL 7

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>cary e. feibleman</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>cary feibleman</u> Name <u>701 E. 28th St., Suite 311</u> Number Street <u>Long Beach</u> <u>CA</u> <u>90806</u> City State ZIP Code Contact phone <u>562-505-1323</u> Contact email <u>cary@feibleman.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 _____ Number Street _____ City State ZIP Code _____ 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? ☒ 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? \$ 42,327.00 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 purchased with credit card and 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)?

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 04/08/2016
MM / DD / YYYY

Signature

CARY EDWARD

FEIBLEMAN

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

Name cary edward feibleman
First name Middle name Last name

Title _____

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

Address 701 E. 28th st., suite 311
Number Street

long beach CA 90806
City State ZIP Code

Contact phone 562-505-1323 Email cary@feibleman.com

Cardmember Service
Post Office Box 15299
Wilmington, DE 19850-5299
1-888-489-8452



01/13/2016

CARY E FEIBLEMAN
701 E 28TH ST STE 311
LONG BEACH CA 90806-278086

RE: Your account ending in 3640

Dear CARY E FEIBLEMAN:

We want to give you an update on the following charges you're disputing:

Merchant Names	Dispute Amounts	Post Dates
PREMIER CRU -INTERNET	\$1831.18	07/27/2014
PREMIER CRU -INTERNET	\$572.25	08/03/2014
PREMIER CRU -INTERNET	\$228.88	11/10/2014

Here's what you need to know:

- We've posted temporary credits on your account for the disputed amounts, including any related interest charges. You'll see all credits on your next statement, and you can view them now online.
- You are not required to pay for the disputed amounts while we work to resolve your disputes.
- The merchant has two complete billing cycles to provide information supporting the charges. If the merchant doesn't respond during that period, the credits to your account will become permanent.
- Please save all documentation related to your dispute.

Furthermore we're also writing to provide you with the resolution for the following charges:

Merchant Names	Dispute Amounts	Post Dates
PREMIER CRU	\$1011.33	03/10/09
PREMIER CRU	\$954.75	04/18/09
PREMIER CRU	\$2546.11	09/29/09
PREMIER CRU	\$804.73	01/01/12
PREMIER CRU	\$1874.59	03/09/12
PREMIER CRU	\$1739.96	04/05/12
PREMIER CRU	\$282.73	04/25/12
PREMIER CRU	\$434.97	05/01/12
PREMIER CRU	\$913.47	05/03/12
PREMIER CRU	\$641.63	06/21/12
PREMIER CRU	\$82.47	08/10/12
PREMIER CRU	\$4458.67	01/11/13
PREMIER CRU	\$43.67	02/05/13
PREMIER CRU	\$501.36	02/16/13
PREMIER CRU	\$653.98	03/23/13
PREMIER CRU	\$937.32	03/30/13
PREMIER CRU	\$19.92	04/10/13

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PREMIER CRU	\$6428.80	04/30/13
PREMIER CRU	\$283.39	05/24/13
PREMIER CRU	\$196.18	06/03/13
PREMIER CRU	\$348.76	06/13/13
PREMIER CRU	\$953.68	06/15/13
PREMIER CRU	\$926.46	07/13/13
PREMIER CRU	\$1089.98	08/12/13
PREMIER CRU	\$2557.14	08/22/13
PREMIER CRU	\$490.50	10/23/13
PREMIER CRU	\$218.53	01/22/14
PREMIER CRU	\$828.36	01/28/14
PREMIER CRU	\$828.36	01/29/14
PREMIER CRU	\$1634.90	03/19/14
PREMIER CRU	\$388.31	03/31/14
PREMIER CRU	\$1095.43	04/10/14
PREMIER CRU	\$763.00	04/15/14
PREMIER CRU	\$2517.77	04/18/14
PREMIER CRU -INTERNET	\$381.50	05/15/14
PREMIER CRU -INTERNET	\$310.65	05/19/14
PREMIER CRU -INTERNET	\$572.25	06/08/14
PREMIER CRU -INTERNET	\$499.75	06/09/14
PREMIER CRU -INTERNET	\$435.98	06/25/14
PREMIER CRU -INTERNET	\$185.29	06/20/14
PREMIER CRU -INTERNET	\$490.50	06/30/14

As you mentioned when you contacted us, you disputed the charges because of non receipt of merchandise. Since a significant amount of time has passed since the 06/30/2014 date of the charge, the merchant isn't under any obligation to provide credits to your account. We contacted the merchant to request credits for your account and, unfortunately, they did not honor our request.

Based on our review and the information available to us, we consider the charges valid. The disputed amounts will remain on your account and will be included in the balance on your next statement.

We recognize that this is not the outcome you hoped for in this situation, and we're sorry for any inconvenience this matter has caused you. If you have any questions, please call us anytime at the phone number found on the back of your card.

If you have any questions, please contact a Customer Service Specialist at 1-888-489-8452, Monday through Friday from 7 a.m. until 10 p.m., as well as Saturday and Sunday from 9 a.m. until 8 p.m. ET.

Sincerely,

Cheraag Billimoria
Cardmember Services
1-888-489-8452

If you haven't already done so, you must notify us of potential billing errors in writing at the Customer Service address or electronically at the website address as shown on your billing statement. Please refer to the back of your billing statement for further information on Your Billing Rights, including how the process works.

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