

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
5/3/2016
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>PAUL G THOMPSON</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor <u>PAUL THOMPSON</u>	
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>PAUL G THOMPSON</u> Name 1400 WEWATTA ST, #400 DENVER, CO 80202 Contact phone <u>(303) 629-3400</u> Contact email <u>PGTHOMPSON@GMAIL.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>6540.52</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). Limit disclosing information that is entitled to privacy, such as healthcare information.</p> <p style="text-align: center;"><u>GOODS NOT DELIVERED</u></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 type="checkbox"/> No <input checked="" 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 checked="" 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).	\$ 2850.00
	<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)(_) that applies	\$ _____
<small>* 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.</small>		

Part 3: Sign Below

<p>The person completing this proof of claim must sign and date it. FRBP 9011(b).</p> <p><small>If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.</small></p> <p>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.</p>	<p>Check the appropriate box:</p> <p><input checked="" type="checkbox"/> I am the creditor.</p> <p><input type="checkbox"/> I am the creditor's attorney or authorized agent.</p> <p><input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.</p> <p><input type="checkbox"/> I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.</p> <p>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.</p> <p>I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on date <u>5/3/2016</u></p> <p style="text-align: center;">MM / DD / YYYY</p> <p><u>/s/ PAUL G THOMPSON</u></p> <p>Signature</p> <p>Print the name of the person who is completing and signing this claim:</p> <p>Name <u>PAUL G THOMPSON</u></p> <p style="text-align: center;">First name Middle name Last name</p> <p>Title _____</p> <p>Company _____</p> <p>Address <u>1400 WEWATTA ST, #400</u></p> <p style="text-align: center;">Number Street</p> <p style="text-align: center;"><u>DENVER, CO 80202</u></p> <p style="text-align: center;">City State ZIP Code</p> <p>Contact phone <u>(303) 629-3400</u> Email <u>PGTHOMPSON@GMAIL.COM</u></p>
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Paul Thompson ·

Premier Cru Order Acknowledgement

1 message

Premier Cru <shipping@premiercru.net>
To:

Sat, May 23, 2015 at 1:09 AM

Thank you for your order.
Premier Cru has received your web order request.
Your web order number is SO-0000479323-176592.

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

<https://mail.google.com/mail/u/0/?ui=2&ik=ca0a5d2c8e&view=pt&q=wine&qs=true&sear...> 2/25/2016



PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000441579
Order Date: 4/6/2014
Web Order No: 147870
Salesperson: JG
Customer: 5209
Customer PO:

Sold To	Ship To
Paul Thompson	Paul Thompson

Contact: Paul G Thompson
Phone:

25% discount applied!

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
49043 2012 Beaucastel	6.00	0.00	52.49	314.96

				Net Order:	314.96
Payments:		314.96		Freight:	0.00
4/7/2014	VPCEA9C2905F	*****3008	314.96	Sales Tax:	0.00
				USD	314.96



Paul Thompson ·

RE: Web Order # 140458 from Paul Thompson

3 messages

Premier Cru <sales@premiercru.net>

Mon, Dec 23, 2013 at 10:43 PM

To:

Hello Paul,

While the 2012 Mouton is on sale, it is not amongst the wines listed as 25% off on that sale offering (which was restricted to the wines on that newsletter offering). As such, the price of this wine is that listed on the OTHER sale e-mail, and is reflected accurately below at \$275.00.

I am temporarily holding these 12 bottles for you until this is clarified, but cannot hold the bottles out of circulation too long without billing the order. In fact, the 2012 Mouton is now sold out at that price, and I have already turned down several other customers requesting it at the sale price of \$275.00. Please therefore confirm soon whether you DO want these, in which case I will bill the order; or you were confused by the e-mails and do NOT want these at \$275.00, in which case I will cancel the order without billing.

Thanks for your business, and I await your prompt response if you do want these bottles.

Regards,

James Gillerman

=====

James Gillerman
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: james@premiercru.net
Web: www.premiercru.net

-----Original Message-----

From: Premier Cru
Sent: Sunday, December 22, 2013 2:14 PM
To: Premier Cru
Subject: Web Order # 140458 from Paul Thompson

Order Number: 140458
Placed: Dec 22 2013 2:17PM
Cust Name: Paul Thompson
Email Address: ;
Cust Id: 5209
Order No: SO-0000431885
Order Status: OK

<https://mail.google.com/mail/u/0/?ui=2&ik=ca0a5d2c8e&view=pt&q=premier%20cru&qs...> 2/25/2016

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Billing Address:

Paul Thompson

Cel Phone:

Shipping Address:

Day Phone: 0

Eve Phone: 0

Cel Phone: 0

Ship On or After:

Ship Via: HOLD

Payment: 3008

Name on Card: Paul Thompson

qty	item	Wine	price
ext	status		
12	47657	2012 Mouton Rothschild	275.00
3300.00	pre-arrival		

Bottles : 12
Subtotal: 3300.00
Shipping: 0.00
Tax : 0.00
Total : 3300.00

include owc; order s.t. 25% discount per holiday promo

Please note:

We do not ship automatically upon order.

If you wish to arrange shipping, please contact us after receiving your order confirmation and we will schedule it.

We do not charge for shipping until your bottles ship out.

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

<https://mail.google.com/mail/u/0/?ui=2&ik=ca0a5d2c8e&view=pt&q=premier%20cru&qs...> 2/25/2016

Mon, Dec 23, 2013 at 11:17 PM

To: Premier Cru <sales@premiercru.net>

James, Apologies. I obviously misinterpreted the scope of the offer. Please go ahead and process this order at the 275/bottle price. Thanks, Paul

Sent from my iPhone

[Quoted text hidden]

Mon, Dec 23, 2013 at 11:30 PM

From: Premier Cru <sales@premiercru.net>

To:

Hi Paul,

Thanks for the confirmation on this one, and we apologize if you were confused. I have processed the order and e-mailed under separate cover. Thanks for your business, and we wish you Happy Holidays!

Regards,

James Gillerman

=====

James Gillerman
PREMIER CRU
1011 University Avenue
Berkeley, CA 94710 USA
Ph: 510-644-WINE (510-644-9463)
Fax: 510-647-3833
Email: james@premiercru.net
Web: www.premiercru.net

-----O:

From:

Sent: Monday, December 23, 2013 3:16 PM

To: Premier Cru

[Quoted text hidden]

<https://mail.google.com/mail/u/0/?ui=2&ik=ca0a5d2c8e&view=pt&q=premier%20cru&qs...> 2/25/2016

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From: Premier Cru mederick@premiercru.net
 Subject: Sales Order From Premier Cru at Premier Cru
 Date: February 12, 2013 at 5:13 PM
 To: Paul G Thompson

THIS DOCUMENT WAS SENT WITH:



SALES ORDER

From:
 Premier Cru
 Premier Cru

To: Paul G Thompson
 Date: 2/12/2013

To view the attached Sales Order, you need the free Adobe Acrobat Reader, which is available from www.adobe.com.

-Regards,

Premier Cru
 Premier Cru

To view certain attachments to this email, you need Adobe's Acrobat Reader software, which can be downloaded for free by clicking the following link:

[[Download Acrobat Reader Now](#)]

PREMIER CRU

1011 University Avenue
 Berkeley, CA 94710

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

Sales Order

Page: 1
 Order Number: 0000404887
 Order Date: 2/11/2013
 Web Order No: 120247
 Salesperson: MR
 Customer: 5209
 Customer PO:

Sold To	Ship To
Paul Thompson	Paul Thompson

Contact: Paul G Thompson
 Phone:

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
43864 2010 Pontet Canet	2.00	0.00	159.95	319.90
43972 2010 St Pierre	6.00	0.00	69.99	419.94
43885 2010 Leoville Poyferre	2.00	0.00	134.99	269.98
43942 2010 Lynch Bages	2.00	0.00	155.00	310.00

(6)

				Net Order:	1,319.82
Payments:	1,319.82				
2/12/2013	VREE8A83B843	*****3008	1,319.82	Freight:	0.00
				Sales Tax:	0.00
				USD	1,319.82

7

From: Premier Cru james@premiercru.net
Subject: Sales Order From Premier Cru at Premier Cru
Date: February 2, 2013 at 11:26 PM
To: Paul G Thompson

THIS DOCUMENT WAS SENT WITH:



SALES ORDER

From:
Premier Cru
Premier Cru

To: Paul G Thompson
Date: 2/2/2013

To view the attached Sales Order, you need the free Adobe Acrobat Reader, which is available from www.adobe.com.

-Regards,

Premier Cru
Premier Cru

To view certain attachments to this email, you need Adobe's Acrobat Reader software, which can be downloaded for free by clicking the following link:
[[Download Acrobat Reader Now](#)]

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000404082
Order Date: 2/2/2013
Web Order No: 119665
Salesperson: JG
Customer: 5209
Customer PO:

Sold To	Ship To
Paul Thompson	Paul Thompson

Contact: Paul G Thompson
Phone:

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

	Item	Ordered	Quantity Shipped	Unit Price	Amount
47228	2011 Chablis Clos, Billaud-Simon	6.00	0.00	39.99	239.94
47216	2010 Bellevue	6.00	0.00	34.99	209.94

D, berr
NB

8

				Net Order:	449.88
Payments: 449.88				Freight:	0.00
2/2/2013	VRCE8A167AC5	*****3006	449.88	Sales Tax:	0.00
				USD	449.88

From: Premier Cru james@premiercru.net
Subject: Sales Order From Premier Cru at Premier Cru
Date: October 19, 2012 at 4:31 PM
To: Paul G Thompson



THIS DOCUMENT WAS SENT WITH:



SALES ORDER

From:
Premier Cru
Premier Cru

To: Paul G Thompson
Date: 10/19/2012

To view the attached Sales Order, you need the free Adobe Acrobat Reader, which is available from www.adobe.com.

-Regards,

Premier Cru
Premier Cru

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[[Download Acrobat Reader Now](#)]

PREMIER CRU

1011 University Avenue
Berkeley, CA 94710

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

Sales Order

Page: 1
Order Number: 0000394684
Order Date: 10/18/2012
Web Order No: 113329
Salesperson: JG
Customer: 5209
Customer PO:

Sold To	Ship To
Paul Thompson	Paul Thompson

Contact: Paul G Thompson
Phone:

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
46053 2011 Fleur Cardinale	4.00	0.00	33.99	135.96
41552 09 Brunaire Duera	2.00	0.00	74.99	149.98
45685 09 Fleur Cardinale	5.00	0.00	45.00	225.00
41216 09 Tour Maillet	6.00	0.00	29.99	179.94
43877 2010 Fleur Cardinale	5.00	0.00	45.00	225.00
41565 09 Lynch Bages	2.00	0.00	179.99	359.98

ND

← D, b p p

ND

10

				Net Order:	1,275.86
Payments:				Freight:	0.00
				Sales Tax:	0.00
10/19/2012	VUYEA082F90B	*****2008	1,275.86		
				USD	1,275.86

11

From: Premier Cru james@premiercru.net
 Subject: Sales Order From Premier Cru at Premier Cru
 Date: September 4, 2012 at 4:55 PM
 To: Paul G Thompson



THIS DOCUMENT WAS SENT WITH:



SALES ORDER

From:
 Premier Cru
 Premier Cru

To: Paul G Thompson
 Date: 9/4/2012

To view the attached Sales Order, you need the free Adobe Acrobat Reader, which is available from www.adobe.com.

-Regards,

Premier Cru
 Premier Cru

To view certain attachments to this email, you need Adobe's Acrobat Reader software, which can be downloaded for free by clicking the following link:
[\[Download Acrobat Reader Now \]](#)

PREMIER CRU

1011 University Avenue
 Berkeley, CA 94710

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

Sales Order

Page: 1
 Order Number: 0000390832
 Order Date: 9/3/2012
 Web Order No: 110716
 Salesperson: JG
 Customer: 5209
 Customer PO:

Sold To	Ship To
Paul Thompson	Paul Thompson

Contact: Paul G Thompson
 Phone:

Sociando Mallet only per e-mail
 This order has been paid by American Express - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
43805 2010 Sociando Mallet	12.00	0.00	24.99	299.88

				Net Order:	299.88
Payments:		299.88		Freight:	0.00
9/4/2012	VACE8FC81D71	*****2000	299.88	Sales Tax:	0.00
				USD	299.88