

Fill in this information to identify the case:

Debtor 1 Hox Ortega Enterprises, Inc.
Debtor 2
(Spouse, if filing) _____
United States Bankruptcy Court for the: Northern District of California
Case number 16-40050

LM 9:31 a.m.
FILED
MAY 4 2016
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

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?

Shichin Ouyang
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?

Shichin Ouyang
Name
20213 Joseph Cir
Number Street
cupertino CA 95014
City State ZIP Code

Contact phone

(415) 370 5627

Contact email

ouyangsh@yahoo.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: 0 3 4 1

7. How much is the claim? \$ 3809.52 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 Dec 09, 2013 using Citibank credit card.
Wine never received by creditor.

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

☐ Yes. Check one:

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 \$2,850* 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.

\$ _____

* 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

4/22/2016
MM / DD / YYYY

Signature

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

Name

Shichin
First name

Middle name

Ouyang
Last name

Title

Company

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

Address

20213 Joseph Cir
Number Street

Cupertino
City

CA
State

95014
ZIP Code

Contact phone

(415) 370-5627

Email

buyangshe@yahoo.com

Citi ThankYou® Preferred Card



SHICHIN OUYANG

Member Since 2007 Account number ending in: 8898

Billing Period: 11/26/13-12/24/13

How to reach us

www.citicards.com

1-800-THANKYOU(1-800-842-6596)
BOX 6500 SIOUX FALLS, SD 57117

Minimum payment due: \$14.86
 New balance: \$14.86
 Payment due date: 01/21/14

Make a payment now! www.payonline.citicards.com

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$35 and your APRs may be increased up to the variable Penalty APR of 29.99%.

For information about credit counseling services, call 1-877-337-8187.

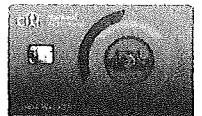
Account Summary

Previous balance	\$692.62
Payments	-\$4,804.26
Credits	-\$0.00
Purchases	+\$4,126.50
Cash advances	+\$0.00
Fees	+\$0.00
Interest	+\$0.00

New balance \$14.86

Credit Limit

Credit limit	\$21,200
Includes \$9,200 cash advance limit	
Available credit	\$21,185
Includes \$9,200 available for cash advances	



citi rewards

Total ThankYou Member**Available Point Balance:**

as of 11/30/13

» See page 2 for more information
about your rewards.



P.O. Box 6004
Sioux Falls, SD 57117-6004

Your Statement is Inside

**Pay online** www.citicards.com**Pay by phone** 1-800-THANKYOU
(1-800-842-6596)**Pay by mail** Use this coupon

- Enclose a valid check or money order payable to CITI CARDS. No cash or foreign currency.
- Write the last four digits of your account number on your check.

Minimum payment due	\$14.86
New balance	\$14.86
Payment due date	01/21/14

Amount enclosed: \$

Account number ending in 8898

SHICHIN OUYANG
20213 JOSEPH CIR
CUPERTINO CA 95014-2235

CITI CARDS
PO BOX 78045
Phoenix, AZ 85062-8045

Account Summary

Trans. date	Post date	Description	Amount
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Payments, Credits and Adjustments

11/30		ELECTRONIC PAYMENT-THANK YOU	-\$692.62
12/21		ELECTRONIC PAYMENT-THANK YOU	-\$4,111.64

Standard Purchases

11/25	11/26	99 RANCH #1768	CUPERTINO CA	\$3.48
11/25	11/26	CHUNG CHOU CITY INC #4	CUPERTINO CA	\$18.45
11/25	11/26	99 RANCH #1768	CUPERTINO CA	\$31.04
11/27	11/27	IN-N-OUT BURGER #129	MOUNTAIN VIEW CA	\$8.59
12/01	12/01	POPEYE'S CHICKEN & BISQP	LAS VEGAS NV	\$9.18
12/04	12/04	MARINA FOODS #5436	CUPERTINO CA	\$18.58
12/08	12/08	BOUDIN VALLEY FAIR	SANTA CLARA CA	\$7.06
12/08	12/08	MCDONALD'S F25414	SANTA CLARA CA	\$7.17
12/08	12/08	THE LEGO STORE	SANTA CLARA CA	\$5.42
12/09	12/09	PREMIER CRU 5106449463	CA	\$3,809.52
12/10	12/10	WHOLEFDS STC 10267	CUPERTINO CA	\$13.42
12/10	12/10	MITSUWA MARKETPLACE SJ	SAN JOSE CA	\$62.07
12/11	12/11	76 10042661	CUPERTINO CA	\$48.16
12/11	12/11	CVS PHARMACY #9700	SUNNYVALE CA	\$15.00
12/14	12/14	KRISPYKREMEDOUGH#1023	FREMONT CA	\$3.69
12/14	12/14	IN-N-OUT BURGER #194	FREMONT CA	\$6.87
12/15	12/15	SFMTA ELLIS & O'FARREL	SAN FRANCISCO CA	\$16.00
12/17	12/17	MITSUWA MARKETPLACE SJ	SAN JOSE CA	\$27.94
12/19	12/19	KARA'S CUPCAKES-SAN JO	SAN JOSE CA	\$4.00
12/19	12/19	MCDONALD'S F34947	PALO ALTO CA	\$10.86

Fees charged

Total fees charged in this billing period	\$0.00
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Interest charged

Total interest charged in this billing period	\$0.00
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2013 totals year-to-date

Total fees charged in 2013	\$0.00
Total interest charged in 2013	\$0.00

Interest charge calculation

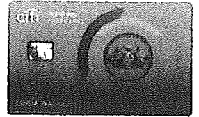
Days in billing cycle: 29

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

Balance type	Annual percentage rate (APR)	Balance subject to interest rate	Interest charge
PURCHASES			
Standard Purch	11.99% (V)	\$0.00 (D)	\$0.00
ADVANCES			
Standard Adv	25.24% (V)	\$0.00 (D)	\$0.00

Your Annual Percentage Rate (APR) is the annual interest rate on your account. APRs followed by (V) vary with the market based on the Prime Rate. Balances followed by (D) are determined by the daily balance method (including current transactions).

citi rewards



Member ID: 0000000000000000

ThankYou Points Earned This Period

2x on Dining	107
2x on Entertainment	0
1x on Other Purchases	4,073

Additional Bonuses

Total Earned	6,611
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Bonus Points may take one to two billing cycles to appear on your statement. Please refer to the specific terms and conditions pertaining to the promotion for further details.

Account messages

You may pay all or part of your account balance at any time. However, you must pay, by the payment due date, at least the minimum payment due.

If you have not received your new card, please call the Customer Service number on this statement.

寄件人 : ouyangsh@yahoo.com
標題 : Fraud reported to Citibank Jan-14 and Cupertino police Jan-18
日期 : January 15, 2016 at 1:16 PM
收件人 : Cru Premier sales@premiercru.net
副本 : ouyangsh@yahoo.com

Since no response from phone and email for one month, this is officially considered as fraud business. This case has been reported to Citibank whose card I used for this transaction on Jan-14. Case will also be reported to Cupertino police Jan-18 to assist the fraud investigation.

Shichin.

從我的 iPad 傳送

Shichin <ouyangsh@yahoo.com> 於 2015年12月14日 下午10:54 寫道 :

Hello.

It has been more than 24 months.

I want my wines or else 100% cash refund.

Thank you.

Shichin.

從我的 iPad 傳送

"Premier Cru" <sales@premiercru.net> 於 Sep 22, 2015 3:51 AM 寫道 :

Hello Shichin,

I would be more than happy to issue a refund to you at this time. It is our policy to charge a 15% cancellation fee on orders less than 24 months old for pre-arrivals and will be issued in the form of check. After 24 months, we can issue a 100% refund.

At any point you are welcome to a 100% refund in the form of store credit. Please let me know how you would like to proceed.

Regards,

Tony Gray

Premier Cru - the world's finest wines

1011 University Avenue

Berkeley, CA 94710 ([directions](#))

phone (510) 644-9463

fax (510) 647-3833

Tony@premiercru.net

From: Shichin [<mailto:ouyangsh@yahoo.com>]

Sent: Monday, September 21, 2015 10:46 AM

To: Premier Cru

Subject: Re: Urgent! Need your help! Re: Premier Cru Order Acknowledgement

please refund the deposit (\$3809.52 Dec-9 2013) to my Citibank card account by today.

Thank you.

Shichin.

從我的 iPad 傳送

Premier Cru <sales@premiercru.net> 於 2015年9月21日 上午9:54 寫道：

Hello Shichin,

We are still awaiting the arrival of the '10 Bordeaux and we expect to fill the remaining orders before the end of this year. Thank you for your patience as it does require some time to bring in these wines from overseas. As always, you are more than welcome to a refund at any time. Please feel free to contact me for updates.

Many thanks,

Tony Gray

Premier Cru - the world's finest wines

1011 University Avenue

Berkeley, CA 94710 ([directions](#))

phone (510) 644-9463

fax (510) 647-3833

Tony@premiercru.net

From: Shichin [<mailto:ouyangsh@yahoo.com>]
Sent: Sunday, September 20, 2015 10:31 PM
To: Premier Cru
Cc: ouyangsh@yahoo.com
Subject: Re: Urgent! Need your help! Re: Premier Cru Order Acknowledgement

Since there is no response I will report this case to Cupertino police department Spt 21,2015 -\$3809.52 paid Dec09-2103, for over 19 months without receiving the goods, and without any response : a crime act after confirming many victims' cases posted on the Internet.

This email will be kept as an official legal record in court.

Shichin.

從我的 iPad 傳送

Shichin <ouyangsh@yahoo.com> 於 2015年9月19日 下午11:27 寫道 :

Hello it has been one week and 2 emails.

Please help update the status of the order?

Thank you!

Shichin.

從我的 iPad 傳送

Shichin <ouyangsh@yahoo.com> 於 Sep 16, 2015 10:36 AM 寫道 :

Hello any update?

Shichin <ouyangsh@yahoo.com> 於 2015年9月13日 下午3:37 寫道：

Hello.

It has been 1 year and 9 months (ordered dec2013), "WITHOUT " any update from Premier Cru , including an estimated waiting time. Year 2010 requires so long of waiting?

Need your professional help here.

Shichin.

從我的 iPad 傳送

"Premier Cru" <sales@premiercru.net> 於 Jan 9, 2015 11:39 AM 寫道：

Greetings Shichin,

Your wines are still in pre-arrival status. As stated on our website, pre-arrival wines take anywhere from 6 to 18 months to arrive. Sometimes longer depending on where your place is in the waiting list.

Please check back with us quarterly to check on the status of your wine. Thank you.

Samantha Pinkham
Premier Cru - the world's finest wines
1011 University Avenue
Berkeley, CA 94710 ([directions](#))
phone (510) 644-9463 ext. 25
fax (510) 647-3833
samantha@premiercru.net

From: ouyangsh@yahoo.com [<mailto:ouyangsh@yahoo.com>]

Sent: Friday, January 09, 2015 9:30 AM
To: Premier Cru
Cc: ouyangsh@yahoo.com
Subject: Re: Premier Cru Order Acknowledgement

Please respond?

Sent from my iPhone

On 2015年1月7日, at 下午8:10, Shichin <ouyangsh@yahoo.com> wrote:

It has been more than 1 year and I haven't received my wines.
Kindly advise what happened?

Shichin.

從我的 iPad 傳送

"Premier Cru" <shipping@premiercru.net> 於 Dec 7, 2013 10:13 PM
寫道：

Thank you for your order!

We have received your order request SO-0000430256-139147.

qty	item	Wine	price	ext	status
1	44042	2010 Margaux	799.99	799.99	pre-arrival
1	44086	2010 Lafite Rothschild	1195.00	1195.00	pre-arrival
1	44106	2010 Mouton Rothschild	699.99	699.99	pre-arrival
1	44096	2010 Haut Brion	799.99	799.99	pre-arrival

Bottles : 4

Subtotal: 3494.97

Shipping: 0.00

Tax : 314.55

Total : 3809.52

Will pick up the wines at the store

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