

**Fill in this information to identify the case:**

Debtor 1 Fox Ortega Enterprises, Inc.

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of California \_\_\_\_\_

Case number 16-40050

LM 10:08 a.m.  
**FILED**  
MAY 5 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?	<u>James Iannotti</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>James Iannotti</u> Name <u>307 Ohina Place</u> Number Street <u>Kihei</u> <u>HI</u> <u>96753</u> City State ZIP Code  Contact phone <u>808 276-5089</u> Contact email <u>iannottij001@hawaii.rr.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? \$ 3,316.72. 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 but not received incl. 9 btls in Debtor's warehouse.

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 05/02/2016  
MM / DD / YYYY

Signature

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

Name James Iannotti  
First name Middle name Last name

Title \_\_\_\_\_

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

Address 307 Ohina Place  
Number Street  
Kihei HI 96753  
City State ZIP Code

Contact phone 808 276-5089 Email iannottij001@hawaii.rr.com

My Account

Hi James

Log Out

Shopping Cart

wine, region, varietal, producer

SEARCH

MY ACCOUNT

EDIT PROFILE

ADDRESS BOOK

BILLING INFORMATION

## ORDER HISTORY

All Time

Sort By Order No

GO

Order Number (Status)	Amount	Qty	Shipped	Remain	Avail	Date
SO-0000457617 (Open)	\$1,091.96	6	0	6	0	8/17/15
SO-0000451284 (Open)	\$299.94	6	0	6	0	6/13/15
SO-0000446277 (Open)	\$159.96	4	0	4	0	6/1/14
SO-0000445943 (Open)	\$489.94	8	0	8	0	4/30/14
SO-0000436504 (Open)	\$220.00	4	0	4	4	2/5/14
SO-0000433422 (Open)	\$339.96	5	0	5	5	1/7/14
SO-0000429793 (Open)	\$424.96	5	0	5	0	11/30/13
SO-0000428716 (Open)	\$290.00	2	0	2	0	11/23/13

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## About Us

We source the world's finest wines at extremely competitive prices to provide exceptional experiences for collectors, connoisseurs, and everyday wine lovers.

Become a fan!

## Premier Cru

1011 University Ave

Berkeley, CA 94710

Click here for directions

## Store Hours

Tuesday-Friday: 10am-6pm

Saturday: 10am-5pm

Sunday: Closed

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# Sales Order

## PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

Page: 1

Order Number: 0000428716

Order Date: 11/23/2013

Web Order No: 137904

Salesperson: JG

Customer: 43625

Customer PO:

Sold To

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

Ship To

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

Contact: James Iannotti  
Phone: (808) 879-0013

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
48366 2010 Solaia, Antinori	2.00	0.00	145.00	290.00

Net Order: 290.00

Payments: 290.00

Freight: 0.00

Sales Tax: 0.00

11/25/2013 VTYEB362AAA3 \*\*\*\*\*1684 290.00

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290.00

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000429793

Order Date: 11/30/2013

Web Order No: 138824

Salesperson: MC

Customer: 43625

Customer PO:

Sold To

Ship To

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

Contact: James Iannotti  
Phone: (808) 879-0013

Item		Ordered	Quantity Shipped	Unit Price	Amount
48366	2010 Solaia, Antinori	1.00	0.00	145.00	145.00
48209	2010 Tignanello, Antinori	4.00	0.00	69.99	279.96

Payments: 424.96

Net Order: 424.96

Freight: 0.00

Sales Tax: 0.00

12/2/2013 VXJEB3EA804A \*\*\*\*\*1684 424.96

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424.96

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000433422

Order Date: 1/7/2014

Web Order No: 141653

Salesperson: JG

Customer: 43625

Customer PO:

### Sold To

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

### Ship To

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

Contact: James Iannotti  
Phone: (808) 879-0013

15% discount applied!

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
43914 2010 Grand Puy Lacoste	5.00	0.00	67.99	339.96

Payments: 339.96

Net Order: 339.96

Freight: 0.00

Sales Tax: 0.00

1/8/2014	VUHEB539DAF7	*****1684	339.96
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USD 339.96

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000436504  
Order Date: 2/5/2014  
Web Order No: 143948  
Salesperson: JG  
Customer: 43625  
Customer PO:

Sold To	Ship To
James Iannotti 307 Ohina Place Kihei, HI 96753 USA	James Iannotti 307 Ohina Place Kihei, HI 96753 USA

Contact: James Iannotti  
Phone: (808) 879-0013

last 4 btls  
This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
43957 2010 Brane Cantenac	4.00	0.00	55.00	220.00

Payments: 220.00

Net Order: 220.00

Freight: 0.00

Sales Tax: 0.00

2/5/2014	VLEEA7A9921A	*****1684	220.00
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USD 220.00



# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000443943

Order Date: 4/30/2014

Web Order No: 149731

Salesperson: PB

Customer: 43625

Customer PO:

Sold To	Ship To
James Iannotti 307 Ohina Place Kihei, HI 96753 USA	James Iannotti 307 Ohina Place Kihei, HI 96753 USA

Contact: James Iannotti  
Phone: (808) 879-0013

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
49307 2012 Chateaufeuf Clos des Papes, Avril	4.00	0.00	59.49	237.97
44678 09 Chateaufeuf Clos des Papes, Avril	4.00	0.00	62.99	251.97

Payments: 489.94

Net Order: 489.94

Freight: 0.00

Sales Tax: 0.00

5/1/2014	VPCEAB29E541	*****1008	489.94
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USD 489.94

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000446277

Order Date: 6/1/2014

Web Order No: 151457

Salesperson: MR

Customer: 43625

Customer PO:

### Sold To

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

### Ship To

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

Contact: James Iannotti  
Phone: (808) 879-0013

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

Item	Ordered	Quantity Shipped	Unit Price	Amount
49922 2012 Chateaufeuf Cuvee Chaupin, Janasse	4.00	0.00	39.99	159.96

Payments: 159.96

Net Order: 159.96

Freight: 0.00

Sales Tax: 0.00

6/2/2014 VPCAAD0A4AF2 \*\*\*\*\*1008 159.96

USD 159.96

# PREMIER CF

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1  
Order Number: 0000481284  
Order Date: 6/13/2015  
Web Order No: 178128  
Salesperson:  
Customer: 43625  
Customer PO:

### Sold To

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

### Ship To

James Iannotti c/o Barry Hyman  
444 Hana Hwy  
Suite D  
Kahului, HI 96732 USA

Contact: James Iannotti  
Phone: (808) 879-0013

In phone conversation today with Premier Cru, I...

Item	Ordered	Quantity Shipped	Unit Price	Amount
51670 2010 Brunello di Montalcino Montosoli, Altesino	6.00	0.00	49.99	299.94

Payments: 299.94

Net Order: 299.94

Freight: 0.00

Sales Tax: 0.00

6/13/2015 AT1AD42C7D68 \*\*\*\*\*1684 299.94

USD 299.94

# PREMIER CRU

1011 University Avenue  
Berkeley, CA 94710

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

## Sales Order

Page: 1

Order Number: 0000487617

Order Date: 8/17/2015

Web Order No: 183299

Salesperson: KR

Customer: 43625

Customer PO:

### Sold To

James Iannotti  
307 Ohina Place  
Kihei, HI 96753 USA

### Ship To

James Iannotti c/o Barry Hyman  
444 Hana Hwy  
Suite D  
Kahului, HI 96732 USA

Contact: James Iannotti  
Phone: (808) 879-0013

This order has been paid by MasterCard - Thank You!

Item	Ordered	Quantity Shipped	Unit Price	Amount
51978 2011 Langhe Sori San Lorenzo, Gaja	6.00	0.00	181.99	1,091.96

Payments: 1,091.96

Net Order: 1,091.96

Freight: 0.00

Sales Tax: 0.00

08/17/2015	AX1AD77E40AC	*****2155	1,091.96
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USD 1,091.96

U.S. Bankruptcy Court  
1300 Clay Street #300 (94612)  
Post Office Box 2070  
Oakland, CA 94604-2070

May 2, 2016

Dear Court Clerk,

I have attached documentation supporting my claim for \$3,316.72, which includes nine (9) bottles of Bordeaux in the Debtor's warehouse. This Bordeaux wine is referenced in my "Order History" (downloaded from Premier Cru's website on 12/19/15) purchased on 1/7/14 and 2/5/14 (see invoices). Note that this wine is indicated as "available" for shipping.

In addition to my attached "Order History" and invoices for wine purchased and not delivered, I have supporting recordings of most of my telephone conversations with Premier Cru's staff which affirm the hard copy documentation. (I worked law enforcement in New York for almost 18 years.) I also have credit card statements for each purchase, and I was not able to recoup any money for these purchases from my credit card companies. In December, 2015, I requested delivery of the available Bordeaux (as per their instruction), but I received no response from Premier Cru.

If I need to supply further documentation, please call me at 808 276-5089 or email at [iannottij001@hawaii.rr.com](mailto:iannottij001@hawaii.rr.com).

Sincerely,



James Iannotti  
307 Ohina Place  
Kihei, HI 96753