

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 CaliforniaCase number: 16-40050

FILED

U.S. Bankruptcy Court
Northern District of California

5/24/2016

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>Robert Gaynor</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?	☒ 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?	Where should payments to the creditor be sent? (if different)
	<u>Robert Gaynor</u>	_____
	Name	Name
	<u>20414 Black Tree Lane</u>	
	<u>Estero, FL 33928</u>	
	Contact phone <u>224-545-2175</u>	Contact phone _____
	Contact email <u>rgaynor@comcast.net</u>	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) <u>2074</u> Filed on <u>05/23/2016</u> 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? _____	

Official Form 410

Proof of Claim

page 1

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?	\$ <u>85657.06</u> 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 healthcare information. Fair market value of merchandise paid for but not received _____
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 <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>. ☐ 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. <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.	☐ 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)(<u> </u>) 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 5/24/2016
MM / DD / YYYY

/s/ Robert Gaynor
Signature

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

Name	<u>Robert Gaynor</u>		
	First name	Middle name	Last name
Title	<u></u>		
Company	<u></u>		
Address	Identify the corporate servicer as the company if the authorized agent is a servicer		
	<u>20414 Black Tree Lane</u>		
	Number Street		
	<u>Estero, FL 33928</u>		
Contact phone	City State ZIP Code		Email
	<u>2245452175</u>		<u>rgaynor@comcast.net</u>

Robert Gaynor Open Orders (Undelivered Wines)

– All Data Copied Directly from Premier Cru's Website (1/9/16), Except Last Four Wines Listed (delivered earlier*)

Amount Claimed

Item	Unit Price	Qty	Shipped	Remain	Avail	Order No. (Status)	Date	Memo: Purchase Price of Undelivered Wine			Fair Market Value of Undelivered Wine		
								Open Orders per Bankruptcy Filing (1/7/16)**	Correction to Remove Closed Orders	Actual Open Orders (Undelivered Wine)	Value per Bottle***	Qty	Total Fair Market Value
2010 Bourgogne Rouge, Roty, 750 ml	\$11.99	24	0	24	0	SO-0000494446 (Open)	11/13/2015	\$ 287.76		\$ 287.76	\$ 39.97	24	\$ 959.28
2014 Oberhäuser Leistenberg Riesling Kabinett, Donnhoff, 750 ml	\$21.99	4	0	4	0	SO-0000491780 (Open)	10/7/2015	\$ 87.96		\$ 87.96	\$ 21.60	4	\$ 86.40
2014 Kreuznacher Krötenpuhl Riesling Kabinett, Donnhoff, 750 ml	\$19.99	8	0	8	0	SO-0000491780 (Open)	10/7/2015	\$ 159.92		\$ 159.92	\$ 19.99	8	\$ 159.92
2013 Chablis Bougros, Fevre, 750 ml	\$27.00	36	0	36	0	SO-0000489561 (Open)	9/8/2015	\$ 972.00		\$ 972.00	\$ 72.47	36	\$ 2,608.92
2013 Chablis Vaillons, Fevre, 750 ml	\$22.99	24	0	24	0	SO-0000488114 (Open)	8/22/2015	\$ 551.76		\$ 551.76	\$ 43.00	24	\$ 1,032.00
2013 Puligny Clos de la Garenne, Jadot, 750 ml	\$34.99	12	0	12	0	SO-0000482416 (Open)	6/28/2015	\$ 419.88		\$ 419.88	\$ 69.99	12	\$ 839.88
2013 Puligny Referts 1/2, Jadot, 375 ml	\$19.99	24	0	24	0	SO-0000481919 (Open)	6/20/2015	\$ 479.76		\$ 479.76	\$ 36.19	24	\$ 868.56
2012 Puligny Referts 1/2, Jadot, 375 ml	\$18.99	24	0	24	0	SO-0000481919 (Open)	6/20/2015	\$ 455.76		\$ 455.76	\$ 38.84	24	\$ 932.16
2000 Mouton, 750 ml	\$669.99	12	0	12	0	SO-0000478946 (Open)	5/16/2015	\$ 8,039.88		\$ 8,039.88	\$ 1,295.00	12	\$ 15,540.00
2012 La Conseillante, 750 ml	\$67.99	144	0	144	0	SO-0000478406 (Open)	5/9/2015	\$ 9,790.85		\$ 9,790.85	\$ 119.80	144	\$ 17,251.20
2005 Musigny V.V., Vogue, 750 ml	\$581.75	8	0	8	0	SO-0000477968 (Open)	5/4/2015	\$ 4,654.00		\$ 4,654.00	\$ 999.00	8	\$ 7,992.00
2013 Beauce Cent Vignes 1/2, Jadot, 375 ml	\$12.99	8	0	8	0	SO-0000477366 (Open)	4/26/2015	\$ 103.95		\$ 103.95	\$ 22.49	8	\$ 179.92
2012 Pavié, 750 ml	\$142.99	24	0	24	0	SO-0000476001 (Open)	4/12/2015	\$ 3,431.84		\$ 3,431.84	\$ 294.98	24	\$ 7,079.52
2013 Beauce Bressandes 1/2, Jadot, 375 ml	\$12.34	24	0	24	0	SO-0000474656 (Open)	3/30/2015	\$ 296.24		\$ 296.24	\$ 19.50	24	\$ 468.00
2013 Beauce Bouchottes, Jadot, 750 ml	\$25.99	17	0	17	0	SO-0000474652 (Open)	3/30/2015	\$ 441.89		\$ 441.89	\$ 45.99	17	\$ 781.83
2013 Beauce Chouacheux 1/2, Jadot, 375 ml	\$12.34	24	0	24	0	SO-0000471139 (Open)	2/22/2015	\$ 296.24		\$ 296.24	\$ 26.25	24	\$ 630.00
2013 Beauce Chouacheux, Jadot, 750 ml	\$24.69	24	0	24	0	SO-0000471138 (Open)	2/22/2015	\$ 592.64		\$ 592.64	\$ 52.50	24	\$ 1,260.00
2013 Beauce Clos de l'Ecu, Falveley, 750 ml	\$24.99	36	0	36	0	SO-0000467771 (Open)	1/24/2015	\$ 899.64		\$ 899.64	\$ 52.99	36	\$ 1,907.64
2003 Ausone, 750 ml	\$559.99	6	0	6	0	SO-0000466119 (Open)	1/2/2015	\$ 3,359.95		\$ 3,359.95	\$ 995.00	6	\$ 5,970.00
2003 Ausone, 750 ml	\$559.99	12	0	12	0	SO-0000466063 (Open)	1/2/2015	\$ 6,719.90		\$ 6,719.90	\$ 995.00	12	\$ 11,940.00
2011 Clos Vougeot, Leroy, 750 ml	\$674.99	12	0	12	0	SO-0000463752 (Open)	12/9/2014	\$ 8,099.91		\$ 8,099.91	\$ 1,750.00	12	\$ 21,000.00
Gosset Grande Reserve, 750 ml	\$29.25	12	0	12	0	SO-0000463535 (Open)	12/7/2014	\$ 351.00		\$ 351.00	\$ 39.00	12	\$ 468.00
2004 Gosset Grand Millesime, 750 ml	\$36.00	24	0	24	0	SO-0000462012 (Open)	11/23/2014	\$ 864.00		\$ 864.00	\$ 60.42	24	\$ 1,450.08
2004 Gosset Grand Millesime, 750 ml	\$36.00	12	0	12	0	SO-0000461943 (Open)	11/23/2014	\$ 432.00		\$ 432.00	\$ 60.42	12	\$ 725.04
2006 Pol Roger Brut Rose, 750 ml	\$39.99	9	0	9	0	SO-0000459146 (Open)	10/26/2014	\$ 359.91		\$ 359.91	\$ 87.99	9	\$ 791.91
2013 Beauce Clos des Ursules, Jadot, 750 ml	\$33.99	24	0	24	0	SO-0000457792 (Open)	10/11/2014	\$ 815.76		\$ 815.76	\$ 66.98	24	\$ 1,607.52
2013 Beauce Cent Vignes, Jadot, 750 ml	\$22.99	20	0	20	0	SO-0000457722 (Open)	10/11/2014	\$ 459.80		\$ 459.80	\$ 44.99	20	\$ 899.80
2013 Beauce Clos des Ursules, Jadot, 750 ml	\$33.99	6	0	6	0	SO-0000457716 (Open)	10/11/2014	\$ 203.94		\$ 203.94	\$ 66.98	6	\$ 401.88
2006 Pol Roger Brut Rose, 750 ml	\$39.99	24	0	24	0	SO-0000457191 (Open)	10/4/2014	\$ 959.76		\$ 959.76	\$ 87.99	24	\$ 2,111.76
2013 Cotes-du-Roussillon Villages Occultum Lapidem, 750 ml	\$16.24	60	0	60	0	SO-0000455935 (Open)	9/23/2014	\$ 974.40		\$ 974.40	\$ 20.99	60	\$ 1,259.40
Billecart Salmon Rose, 750 ml	\$42.99	12	0	12	0	SO-0000454125 (Open)	8/31/2014	\$ 515.88		\$ 515.88	\$ 62.98	12	\$ 755.76
Billecart Salmon Rose, 750 ml	\$42.99	12	0	12	0	SO-0000454086 (Open)	8/31/2014	\$ 515.88		\$ 515.88	\$ 62.98	12	\$ 755.76
2012 Chateaufeuf Cuvee V.V., Janasse, 750 ml	\$51.99	12	0	12	0	SO-0000453668 (Open)	8/27/2014	\$ 623.92		\$ 623.92	\$ 69.95	12	\$ 839.40
2011 Bourgogne Rouge Cuvee Pinson, Ponsot, 750 ml	\$24.99	3	0	3	0	SO-0000452642 (Open)	8/16/2014	\$ 74.97		\$ 74.97	\$ 79.99	3	\$ 239.97
2012 Chateaufeuf du Pape, Clos St Jean, 750 ml	\$18.99	6	0	6	0	SO-0000450297 (Open)	7/19/2014	\$ 113.94		\$ 113.94	\$ 35.00	6	\$ 210.00
2012 Chablis Fourchaume, Fevre, 750 ml	\$28.99	6	0	6	0	SO-0000446131 (Open)	5/31/2014	\$ 173.94		\$ 173.94	\$ 39.03	6	\$ 234.18
2012 Puligny Referts, Jadot, 750 ml	\$39.99	3	0	3	0	SO-0000446131 (Open)	5/31/2014	\$ 119.97		\$ 119.97	\$ 77.68	3	\$ 233.04
2012 Chateaufeuf Cuvee Chaupin, Janasse, 750 ml	\$39.99	12	0	12	0	SO-0000446131 (Open)	5/31/2014	\$ 479.88		\$ 479.88	\$ 57.99	12	\$ 695.88
2012 Puligny La Garenne, Jadot, 750 ml	\$39.99	3	0	3	0	SO-0000446131 (Open)	5/31/2014	\$ 119.97		\$ 119.97	\$ 81.67	3	\$ 245.01
2012 Beauce Theurons 1/2, Jadot, 375 ml	\$15.59	1	0	1	0	SO-0000445202 (Open)	5/17/2014	\$ 15.59		\$ 15.59	\$ 23.49	1	\$ 23.49
2012 Gevrey Cazetiers 1/2, Jadot, 375 ml	\$26.99	6	0	6	0	SO-0000444808 (Open)	5/11/2014	\$ 161.94		\$ 161.94	\$ 49.99	6	\$ 299.94
2012 Chateaufeuf Cuvee V.V., Janasse, 750 ml	\$59.99	28	0	28	0	SO-0000444359 (Open)	5/4/2014	\$ 1,679.72		\$ 1,679.72	\$ 69.95	28	\$ 1,958.60
2012 Beauce Bressandes 1/2, Jadot, 375 ml	\$11.99	24	0	24	0	SO-0000444026 (Open)	5/1/2014	\$ 287.76		\$ 287.76	\$ 22.49	24	\$ 539.76
2012 Beauce Chouacheux Domaine Gagey, Jadot, 750 ml	\$23.50	24	0	24	0	SO-0000444026 (Open)	5/1/2014	\$ 564.00		\$ 564.00	\$ 39.89	24	\$ 957.36
2012 Beauce Bressandes, Jadot, 750 ml	\$22.99	33	0	33	0	SO-0000444026 (Open)	5/1/2014	\$ 758.67		\$ 758.67	\$ 44.99	33	\$ 1,484.67
2012 Beauce Chouacheux 1/2, Jadot, 375 ml	\$11.99	54	0	54	0	SO-0000444026 (Open)	5/1/2014	\$ 647.46		\$ 647.46	\$ 19.94	54	\$ 1,076.76
2012 Beauce Bressandes 1/2, Jadot, 375 ml	\$11.99	24	0	24	0	SO-0000444036 (Open)	5/1/2014	\$ 287.76		\$ 287.76	\$ 22.49	24	\$ 539.76
2012 Beauce Chouacheux Domaine Gagey, Jadot, 750 ml	\$23.50	12	0	12	0	SO-0000444036 (Open)	5/1/2014	\$ 282.00		\$ 282.00	\$ 39.89	12	\$ 478.68
2012 Chateaufeuf Tradition Magnum, Bosquet des Pages, 1.5 L	\$39.99	18	0	18	0	SO-0000442497 (Open)	4/16/2014	\$ 719.82		\$ 719.82	\$ 89.95	18	\$ 1,619.10
2012 Chateaufeuf du Pape, Clos St Jean, 750 ml	\$19.99	36	0	36	0	SO-0000442497 (Open)	4/16/2014	\$ 719.64		\$ 719.64	\$ 35.00	36	\$ 1,260.00
2012 Chateaufeuf Cuvee V.V., Janasse, 750 ml	\$59.99	8	0	8	0	SO-0000442068 (Open)	4/12/2014	\$ 479.92		\$ 479.92	\$ 69.95	8	\$ 559.60
2011 Quinta do Noval Nacional, 750 ml	\$499.99	12	0	12	0	SO-0000436711 (Open)	2/8/2014	\$ 5,999.88		\$ 5,999.88	\$ 1,000.00	12	\$ 12,000.00
Legras Brut Blanc de Blancs, 750 ml	\$21.44	18	0	18	0	SO-0000432170 (Open)	12/26/2013	\$ 385.98		\$ 385.98	\$ 32.95	18	\$ 593.10
2010 Bourgogne Grand Ordinaire, Roty, 750 ml	\$11.04	24	0	24	0	SO-0000432170 (Open)	12/26/2013	\$ 265.04		\$ 265.04	\$ 27.99	24	\$ 671.76
2010 Bourgogne Grand Ordinaire, Roty, 750 ml	\$9.99	36	0	36	0	SO-0000416534 (Open)	6/24/2013	\$ 359.64		\$ 359.64	\$ 27.99	36	\$ 1,007.64
2010 Beausejour Duffau Magnum, 1.5 L	\$299.99	3	0	3	0	SO-0000413747 (Open)	5/23/2013	\$ 899.97		\$ 899.97	\$ 660.00	3	\$ 1,980.00
2010 Bourgogne Cuvee de Pressonnier, Roty, 750 ml	\$13.99	60	0	60	0	SO-0000409680 (Open)	4/7/2013	\$ 839.40		\$ 839.40	\$ 26.98	60	\$ 1,618.80
2009 Pierre de Lune, 750 ml	\$34.99	39	0	39	0	SO-0000368533 (Open)	12/3/2011	\$ 1,364.61		\$ 1,364.61	\$ 101.50	39	\$ 3,958.50
2009 Pierre de Lune Magnum, 1.5 L	\$71.99	12	0	12	0	SO-0000368533 (Open)	12/3/2011	\$ 863.88		\$ 863.88	\$ 203.00	12	\$ 2,436.00
2009 Clos St Martin, 750 ml	\$29.99	12	0	12	0	SO-0000354224 (Open)	4/15/2011	\$ 359.88		\$ 359.88	\$ 130.00	12	\$ 1,560.00
2008 Duhart Milon, 750 ml	\$49.99	53	0	53	0	SO-0000337645 (Open)	5/23/2010	\$ 2,649.47	\$ (2,649.47)	\$ -			\$ -
2008 Margaux, 750 ml	\$239.99	20	0	20	0	SO-0000336459 (Open)	4/30/2010	\$ 4,799.80	\$ (4,799.80)	\$ -			\$ -
2008 Mouton Rothschild, 750 ml	\$249.99	60	0	60	0	SO-0000336390 (Open)	4/30/2010	\$ 14,999.40	\$ (14,999.40)	\$ -			\$ -
2008 Reignac, 750 ml	\$14.99	60	0	60	0	SO-0000333753 (Open)	2/25/2010	\$ 899.40	\$ (899.40)	\$ -			\$ -
2007 Chateaufeuf Deux Freres, Usseglio, 750 ml	\$229.99	36	0	36	0	SO-0000328007 (Open)	11/12/2009	\$ 8,279.64	\$ (8,279.64)	\$ -			\$ -
2000 St. Innocent Pinot Noir Seven Springs Special Select	\$39.99	1	1	0	-	SO-0000492112	*	\$ 39.99	\$ (39.99)	\$ -			\$ -
2002 St. Innocent Pinot Noir Shea	\$37.99	1	1	0	-	SO-0000492112	*	\$ 37.99	\$ (37.99)	\$ -			\$ -
2013 F. Esmonin Pernand-Vergeleses, Boutieres	\$19.99	2	2	0	-	SO-0000481919	*	\$ 39.98	\$ (39.98)	\$ -			\$ -
2009 Jadot Beune 1er Cru 150th Anniversary Cuvee	\$38.99	9	9	0	-	SO-0000376776	*	\$ 350.91	\$ (350.91)	\$ -			\$ -
Rounding / Unexplained								\$ (0.79)	\$ 0.79	\$ -			\$ -

Total / Claim for Undelivered Wine if Provisional Credit from American Express Is Reversed

Provisional Credit from American Express (Amex) ****

Total / Claim if Provisional Credit from American Express Is Not Reversed

* These last four wines were delivered to Robert Gaynor on 1/6/16 (due to time lag, they would have been included in 1/7/16 Bankruptcy Filing as Open Orders).

** Calculated as Unit Price times Quantity; some amounts corrected slightly (i.e., by pennies) for rounding to reflect actual invoice amount / amount charged to Amex card.

*** Value per bottle equal to lowest price in USA as shown on wine-searcher.com (Pro Version - the gold standard for wine prices), a database showing 8,643,815 wines and prices from 64,831 merchants around the world.

**** A credit of \$64,378.08 has been posted to Creditor's Amex account. However, this credit is provisional and may be reversed, with Amex stating "... (We) will continue to research the credit... If we find that we applied a credit incorrectly, we will notify you immediately and will properly bill you again." (Source: Amex 5/10/16 Notification to Robert Gaynor)

***** \$108,339.00 Claim as of the Petition Filing Date is from Doc # 16-1, Filed 1/21/16, page 663 of 1144.

\$ 108,339.00	\$ (32,095.79)	\$ 76,243.21
Equal to		\$ (64,378.08)
"Claim as of the		
Petition Filing		\$ 11,865.13
Date" ****		From Claimant's
		5/23/16 Proof of
		Claim Submission

\$ 150,035.14
\$ (64,378.08)
\$ 85,657.06
Claimant's
5/24/2016
Amended Proof
of Claim
Submission

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
5/24/2016
Edward J. Emmons, Clerk

**Official Form 410
Proof of Claim****04/16**

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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>Robert Gaynor</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?	☒ 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? <u>Robert Gaynor</u> Name <u>20414 Black Tree Lane</u> <u>Estero, FL 33928</u> Contact phone <u>224-545-2175</u> Contact email <u>rgaynor@comcast.net</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?	☐ No ☒ Yes. Claim number on court claims registry (if known) <u>2074</u>	Filed on <u>05/24/2016</u> 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: _____
7. How much is the claim?	\$ 85657.06 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 healthcare information. Fair market value of merchandise paid for but not received
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 <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>. ☐ 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. <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.	☐ 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 5/24/2016
MM / DD / YYYY

/s/ Robert Gaynor

Signature

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

Name Robert Gaynor
First name Middle name Last name

Title _____

Company _____

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

20414 Black Tree Lane
Number Street
Estero, FL 33928

City State ZIP Code
Contact phone 2245452175 Email rgaynor@comcast.net

Robert Gaynor Open Orders (Undelivered Wines)

– All Data Copied Directly from Premier Cru's Website (1/9/16), Except Last Four Wines Listed (delivered earlier*)

Amount Claimed

Item	Unit Price	Qty	Shipped	Remain	Avail	Order No. (Status)	Date	Memo: Purchase Price of Undelivered Wine			Fair Market Value of Undelivered Wine		
								Open Orders per Bankruptcy Filing (1/7/16)**	Correction to Remove Closed Orders	Actual Open Orders (Undelivered Wine)	Value per Bottle***	Qty	Total Fair Market Value
2010 Bourgogne Rouge, Roty, 750 ml	\$11.99	24	0	24	0	SO-0000494446 (Open)	11/13/2015	\$ 287.76		\$ 287.76	\$ 39.97	24	\$ 959.28
2014 Oberhäuser Leistenberg Riesling Kabinett, Donnhoff, 750 ml	\$21.99	4	0	4	0	SO-0000491780 (Open)	10/7/2015	\$ 87.96		\$ 87.96	\$ 21.60	4	\$ 86.40
2014 Kreuznacher Krötenpfuhl Riesling Kabinett, Donnhoff, 750 ml	\$19.99	8	0	8	0	SO-0000491780 (Open)	10/7/2015	\$ 159.92		\$ 159.92	\$ 19.99	8	\$ 159.92
2013 Chablis Bougros, Fevre, 750 ml	\$27.00	36	0	36	0	SO-0000489561 (Open)	9/8/2015	\$ 972.00		\$ 972.00	\$ 72.47	36	\$ 2,608.92
2013 Chablis Vaillons, Fevre, 750 ml	\$22.99	24	0	24	0	SO-0000488114 (Open)	8/22/2015	\$ 551.76		\$ 551.76	\$ 43.00	24	\$ 1,032.00
2013 Puligny Clos de la Garenne, Jadot, 750 ml	\$34.99	12	0	12	0	SO-0000482416 (Open)	6/28/2015	\$ 419.88		\$ 419.88	\$ 69.99	12	\$ 839.88
2013 Puligny Referts 1/2, Jadot, 375 ml	\$19.99	24	0	24	0	SO-0000481919 (Open)	6/20/2015	\$ 479.76		\$ 479.76	\$ 36.19	24	\$ 868.56
2012 Puligny Referts 1/2, Jadot, 375 ml	\$18.99	24	0	24	0	SO-0000481919 (Open)	6/20/2015	\$ 455.76		\$ 455.76	\$ 38.84	24	\$ 932.16
2000 Mouton, 750 ml	\$669.99	12	0	12	0	SO-0000478946 (Open)	5/16/2015	\$ 8,039.88		\$ 8,039.88	\$ 1,295.00	12	\$ 15,540.00
2012 La Conseillante, 750 ml	\$67.99	144	0	144	0	SO-0000478406 (Open)	5/9/2015	\$ 9,790.85		\$ 9,790.85	\$ 119.80	144	\$ 17,251.20
2005 Musigny V.V., Vogue, 750 ml	\$581.75	8	0	8	0	SO-0000477968 (Open)	5/4/2015	\$ 4,654.00		\$ 4,654.00	\$ 999.00	8	\$ 7,992.00
2013 Beauce Cent Vignes 1/2, Jadot, 375 ml	\$12.99	8	0	8	0	SO-0000477366 (Open)	4/26/2015	\$ 103.95		\$ 103.95	\$ 22.49	8	\$ 179.92
2012 Pave, 750 ml	\$142.99	24	0	24	0	SO-0000476001 (Open)	4/12/2015	\$ 3,431.84		\$ 3,431.84	\$ 294.98	24	\$ 7,079.52
2013 Beauce Bressandes 1/2, Jadot, 375 ml	\$12.34	24	0	24	0	SO-0000474656 (Open)	3/30/2015	\$ 296.24		\$ 296.24	\$ 19.50	24	\$ 468.00
2013 Beauce Bouchottes, Jadot, 750 ml	\$25.99	17	0	17	0	SO-0000474652 (Open)	3/30/2015	\$ 441.89		\$ 441.89	\$ 45.99	17	\$ 781.83
2013 Beauce Chouacheux 1/2, Jadot, 375 ml	\$12.34	24	0	24	0	SO-0000471139 (Open)	2/22/2015	\$ 296.24		\$ 296.24	\$ 26.25	24	\$ 630.00
2013 Beauce Chouacheux, Jadot, 750 ml	\$24.69	24	0	24	0	SO-0000471138 (Open)	2/22/2015	\$ 592.64		\$ 592.64	\$ 52.50	24	\$ 1,260.00
2013 Beauce Clos de l'Ecu, Falveley, 750 ml	\$24.99	36	0	36	0	SO-0000467771 (Open)	1/24/2015	\$ 899.64		\$ 899.64	\$ 52.99	36	\$ 1,907.64
2003 Ausone, 750 ml	\$559.99	6	0	6	0	SO-0000466119 (Open)	1/2/2015	\$ 3,359.95		\$ 3,359.95	\$ 995.00	6	\$ 5,970.00
2003 Ausone, 750 ml	\$559.99	12	0	12	0	SO-0000466063 (Open)	1/2/2015	\$ 6,719.90		\$ 6,719.90	\$ 995.00	12	\$ 11,940.00
2011 Clos Vougeot, Leroy, 750 ml	\$674.99	12	0	12	0	SO-0000463752 (Open)	12/9/2014	\$ 8,099.91		\$ 8,099.91	\$ 1,750.00	12	\$ 21,000.00
Gosset Grande Reserve, 750 ml	\$29.25	12	0	12	0	SO-0000463535 (Open)	12/7/2014	\$ 351.00		\$ 351.00	\$ 39.00	12	\$ 468.00
2004 Gosset Grand Millesime, 750 ml	\$36.00	24	0	24	0	SO-0000462012 (Open)	11/23/2014	\$ 864.00		\$ 864.00	\$ 60.42	24	\$ 1,450.08
2004 Gosset Grand Millesime, 750 ml	\$36.00	12	0	12	0	SO-0000461943 (Open)	11/23/2014	\$ 432.00		\$ 432.00	\$ 60.42	12	\$ 725.04
2006 Pol Roger Brut Rose, 750 ml	\$39.99	9	0	9	0	SO-0000459146 (Open)	10/26/2014	\$ 359.91		\$ 359.91	\$ 87.99	9	\$ 791.91
2013 Beauce Clos des Ursules, Jadot, 750 ml	\$33.99	24	0	24	0	SO-0000457792 (Open)	10/11/2014	\$ 815.76		\$ 815.76	\$ 66.98	24	\$ 1,607.52
2013 Beauce Cent Vignes, Jadot, 750 ml	\$22.99	20	0	20	0	SO-0000457722 (Open)	10/11/2014	\$ 459.80		\$ 459.80	\$ 44.99	20	\$ 899.80
2013 Beauce Clos des Ursules, Jadot, 750 ml	\$33.99	6	0	6	0	SO-0000457716 (Open)	10/11/2014	\$ 203.94		\$ 203.94	\$ 66.98	6	\$ 401.88
2006 Pol Roger Brut Rose, 750 ml	\$39.99	24	0	24	0	SO-0000457191 (Open)	10/4/2014	\$ 959.76		\$ 959.76	\$ 87.99	24	\$ 2,111.76
2013 Cotes-du-Roussillon Villages Occultum Lapidem, 750 ml	\$16.24	60	0	60	0	SO-0000455935 (Open)	9/23/2014	\$ 974.40		\$ 974.40	\$ 20.99	60	\$ 1,259.40
Billecart Salmon Rose, 750 ml	\$42.99	12	0	12	0	SO-0000454125 (Open)	8/31/2014	\$ 515.88		\$ 515.88	\$ 62.98	12	\$ 755.76
Billecart Salmon Rose, 750 ml	\$42.99	12	0	12	0	SO-0000454086 (Open)	8/31/2014	\$ 515.88		\$ 515.88	\$ 62.98	12	\$ 755.76
2012 Chateaufort Cuvée V.V., Janasse, 750 ml	\$51.99	12	0	12	0	SO-0000453668 (Open)	8/27/2014	\$ 623.92		\$ 623.92	\$ 69.95	12	\$ 839.40
2011 Bourgogne Rouge Cuvée Pinson, Ponsot, 750 ml	\$24.99	3	0	3	0	SO-0000452642 (Open)	8/16/2014	\$ 74.97		\$ 74.97	\$ 79.99	3	\$ 239.97
2012 Chateaufort du Pape, Clos St Jean, 750 ml	\$18.99	6	0	6	0	SO-0000450297 (Open)	7/19/2014	\$ 113.94		\$ 113.94	\$ 35.00	6	\$ 210.00
2012 Chablis Fourchaume, Fevre, 750 ml	\$28.99	6	0	6	0	SO-0000446131 (Open)	5/31/2014	\$ 173.94		\$ 173.94	\$ 39.03	6	\$ 234.18
2012 Puligny Referts, Jadot, 750 ml	\$39.99	3	0	3	0	SO-0000446131 (Open)	5/31/2014	\$ 119.97		\$ 119.97	\$ 77.68	3	\$ 233.04
2012 Chateaufort Cuvée Chaupin, Janasse, 750 ml	\$39.99	12	0	12	0	SO-0000446131 (Open)	5/31/2014	\$ 479.88		\$ 479.88	\$ 57.99	12	\$ 695.88
2012 Puligny La Garenne, Jadot, 750 ml	\$39.99	3	0	3	0	SO-0000446131 (Open)	5/31/2014	\$ 119.97		\$ 119.97	\$ 81.67	3	\$ 245.01
2012 Beauce Theurons 1/2, Jadot, 375 ml	\$15.59	1	0	1	0	SO-0000445202 (Open)	5/17/2014	\$ 15.59		\$ 15.59	\$ 23.49	1	\$ 23.49
2012 Gevrey Cazetiers 1/2, Jadot, 375 ml	\$26.99	6	0	6	0	SO-0000444808 (Open)	5/11/2014	\$ 161.94		\$ 161.94	\$ 49.99	6	\$ 299.94
2012 Chateaufort Cuvée V.V., Janasse, 750 ml	\$59.99	28	0	28	0	SO-0000444359 (Open)	5/4/2014	\$ 1,679.72		\$ 1,679.72	\$ 69.95	28	\$ 1,958.60
2012 Beauce Bressandes 1/2, Jadot, 375 ml	\$11.99	24	0	24	0	SO-0000444026 (Open)	5/1/2014	\$ 287.76		\$ 287.76	\$ 22.49	24	\$ 539.76
2012 Beauce Chouacheux Domaine Gagey, Jadot, 750 ml	\$23.50	24	0	24	0	SO-0000444026 (Open)	5/1/2014	\$ 564.00		\$ 564.00	\$ 39.89	24	\$ 957.36
2012 Beauce Bressandes, Jadot, 750 ml	\$22.99	33	0	33	0	SO-0000444026 (Open)	5/1/2014	\$ 758.67		\$ 758.67	\$ 44.99	33	\$ 1,484.67
2012 Beauce Chouacheux 1/2, Jadot, 375 ml	\$11.99	54	0	54	0	SO-0000444026 (Open)	5/1/2014	\$ 647.46		\$ 647.46	\$ 19.94	54	\$ 1,076.76
2012 Beauce Bressandes 1/2, Jadot, 375 ml	\$11.99	24	0	24	0	SO-0000444036 (Open)	5/1/2014	\$ 287.76		\$ 287.76	\$ 22.49	24	\$ 539.76
2012 Beauce Chouacheux Domaine Gagey, Jadot, 750 ml	\$23.50	12	0	12	0	SO-0000444036 (Open)	5/1/2014	\$ 282.00		\$ 282.00	\$ 39.89	12	\$ 478.68
2012 Chateaufort Tradition Magnum, Bosquet des Pages, 1.5 L	\$39.99	18	0	18	0	SO-0000442497 (Open)	4/16/2014	\$ 719.82		\$ 719.82	\$ 89.95	18	\$ 1,619.10
2012 Chateaufort du Pape, Clos St Jean, 750 ml	\$19.99	36	0	36	0	SO-0000442497 (Open)	4/16/2014	\$ 719.64		\$ 719.64	\$ 35.00	36	\$ 1,260.00
2012 Chateaufort Cuvée V.V., Janasse, 750 ml	\$59.99	8	0	8	0	SO-0000442068 (Open)	4/12/2014	\$ 479.92		\$ 479.92	\$ 69.95	8	\$ 559.60
2011 Quinta do Noval Nacional, 750 ml	\$499.99	12	0	12	0	SO-0000436711 (Open)	2/8/2014	\$ 5,999.88		\$ 5,999.88	\$ 1,000.00	12	\$ 12,000.00
Legras Brut Blanc de Blancs, 750 ml	\$21.44	18	0	18	0	SO-0000432170 (Open)	12/26/2013	\$ 385.98		\$ 385.98	\$ 32.95	18	\$ 593.10
2010 Bourgogne Grand Ordinaire, Roty, 750 ml	\$11.04	24	0	24	0	SO-0000432170 (Open)	12/26/2013	\$ 265.04		\$ 265.04	\$ 27.99	24	\$ 671.76
2010 Bourgogne Grand Ordinaire, Roty, 750 ml	\$9.99	36	0	36	0	SO-0000416534 (Open)	6/24/2013	\$ 359.64		\$ 359.64	\$ 27.99	36	\$ 1,007.64
2010 Beausejour Duffau Magnum, 1.5 L	\$299.99	3	0	3	0	SO-0000413747 (Open)	5/23/2013	\$ 899.97		\$ 899.97	\$ 660.00	3	\$ 1,980.00
2010 Bourgogne Cuvée de Pressonnier, Roty, 750 ml	\$13.99	60	0	60	0	SO-0000409680 (Open)	4/7/2013	\$ 839.40		\$ 839.40	\$ 26.98	60	\$ 1,618.80
2009 Pierre de Lune, 750 ml	\$34.99	39	0	39	0	SO-0000368533 (Open)	12/3/2011	\$ 1,364.61		\$ 1,364.61	\$ 101.50	39	\$ 3,958.50
2009 Pierre de Lune Magnum, 1.5 L	\$71.99	12	0	12	0	SO-0000368533 (Open)	12/3/2011	\$ 863.88		\$ 863.88	\$ 203.00	12	\$ 2,436.00
2009 Clos St Martin, 750 ml	\$29.99	12	0	12	0	SO-0000354224 (Open)	4/15/2011	\$ 359.88		\$ 359.88	\$ 130.00	12	\$ 1,560.00
2008 Duhart Milon, 750 ml	\$49.99	53	0	53	0	SO-0000337645 (Open)	5/23/2010	\$ 2,649.47	\$ (2,649.47)	\$ -	\$ -		\$ -
2008 Margaux, 750 ml	\$239.99	20	0	20	0	SO-0000336459 (Open)	4/30/2010	\$ 4,799.80	\$ (4,799.80)	\$ -	\$ -		\$ -
2008 Mouton Rothschild, 750 ml	\$249.99	60	0	60	0	SO-0000336390 (Open)	4/30/2010	\$ 14,999.40	\$ (14,999.40)	\$ -	\$ -		\$ -
2008 Reiganc, 750 ml	\$14.99	60	0	60	0	SO-0000333753 (Open)	2/25/2010	\$ 899.40	\$ (899.40)	\$ -	\$ -		\$ -
2007 Chateaufort Deux Freres, Usseglio, 750 ml	\$229.99	36	0	36	0	SO-0000328007 (Open)	11/12/2009	\$ 8,279.64	\$ (8,279.64)	\$ -	\$ -		\$ -
2000 St. Innocent Pinot Noir Seven Springs Special Select	\$39.99	1	1	0	-	SO-0000492112	*	\$ 39.99	\$ (39.99)	\$ -	\$ -		\$ -
2002 St. Innocent Pinot Noir Shea	\$37.99	1	1	0	-	SO-0000492112	*	\$ 37.99	\$ (37.99)	\$ -	\$ -		\$ -
2013 F. Esmonin Pernand-Vergeleses, Boutieres	\$19.99	2	2	0	-	SO-0000481919	*	\$ 39.98	\$ (39.98)	\$ -	\$ -		\$ -
2009 Jadot Beune 1er Cru 150th Anniversary Cuvée	\$38.99	9	9	0	-	SO-0000376776	*	\$ 350.91	\$ (350.91)	\$ -	\$ -		\$ -
Rounding / Unexplained								\$ (0.79)	\$ 0.79	\$ -	\$ -		\$ -

Total / Claim for Undelivered Wine if Provisional Credit from American Express Is Reversed

Provisional Credit from American Express (Amex) ****

Total / Claim if Provisional Credit from American Express Is Not Reversed

* These last four wines were delivered to Robert Gaynor on 1/6/16 (due to time lag, they would have been included in 1/7/16 Bankruptcy Filing as Open Orders).

** Calculated as Unit Price times Quantity; some amounts corrected slightly (i.e., by pennies) for rounding to reflect actual invoice amount / amount charged to Amex card.

*** Value per bottle equal to lowest price in USA as shown on wine-searcher.com (Pro Version - the gold standard for wine prices), a database showing 8,643,815 wines and prices from 64,831 merchants around the world.

**** A credit of \$64,378.08 has been posted to Creditor's Amex account. However, this credit is provisional and may be reversed, with Amex stating "... (We) will continue to research the credit... If we find that we applied a credit incorrectly, we will notify you immediately and will properly bill you again." (Source: Amex 5/10/16 Notification to Robert Gaynor)

***** \$108,339.00 Claim as of the Petition Filing Date is from Doc # 16-1, Filed 1/21/16, page 663 of 1144.

\$ 108,339.00	\$ (32,095.79)	\$ 76,243.21
Equal to		\$ (64,378.08)
"Claim as of the		
Petition Filing		\$ 11,865.13
Date" ****		From Claimant's
		5/23/16 Proof of
		Claim Submission

\$ 150,035.14
\$ (64,378.08)
\$ 85,657.06
Claimant's
5/24/2016
Amended Proof
of Claim
Submission

REG - 5/24/16

Robert Gaynor Open Orders (Undelivered Wines)

— All Data Copied Directly from Premier Cru's Website (1/9/16), Except Last Four Wines Listed (delivered earlier*)

Amount Claimed

Item	Unit Price	Qty	Shipped	Remain	Avail	Order No. (Status)	Date	Memo: Purchase Price of Undelivered Wine			Fair Market Value of Undelivered Wine		
								Open Orders per Bankruptcy Filing (1/7/16)**	Correction to Remove Closed Orders	Actual Open Orders (Undelivered Wine)	Value per Bottle***	Qty	Total Fair Market Value
2010 Bourgogne Rouge, Roty, 750 ml	\$11.99	24	0	24	0	SO-0000494446 (Open)	11/13/2015	\$ 287.76		\$ 287.76	\$ 39.97	24	\$ 959.28
2014 Oberhäuser Leistenberg Riesling Kabinett, Donnhoff, 750 ml	\$21.99	4	0	4	0	SO-0000491780 (Open)	10/7/2015	\$ 87.96		\$ 87.96	\$ 21.60	4	\$ 86.40
2014 Kreuznacher Krötenpuhl Riesling Kabinett, Donnhoff, 750 ml	\$19.99	8	0	8	0	SO-0000491780 (Open)	10/7/2015	\$ 159.92		\$ 159.92	\$ 19.99	8	\$ 159.92
2013 Chablis Bougros, Fevre, 750 ml	\$27.00	36	0	36	0	SO-0000489561 (Open)	9/8/2015	\$ 972.00		\$ 972.00	\$ 72.47	36	\$ 2,608.92
2013 Chablis Vaillons, Fevre, 750 ml	\$22.99	24	0	24	0	SO-0000488114 (Open)	8/22/2015	\$ 551.76		\$ 551.76	\$ 43.00	24	\$ 1,032.00
2013 Puligny Clos de la Garenne, Jadot, 750 ml	\$34.99	12	0	12	0	SO-0000482416 (Open)	6/28/2015	\$ 419.88		\$ 419.88	\$ 69.99	12	\$ 839.88
2013 Puligny Referts 1/2, Jadot, 375 ml	\$19.99	24	0	24	0	SO-0000481919 (Open)	6/20/2015	\$ 479.76		\$ 479.76	\$ 36.19	24	\$ 868.56
2012 Puligny Referts 1/2, Jadot, 375 ml	\$18.99	24	0	24	0	SO-0000481919 (Open)	6/20/2015	\$ 455.76		\$ 455.76	\$ 38.84	24	\$ 932.16
2000 Mouton, 750 ml	\$669.99	12	0	12	0	SO-0000478946 (Open)	5/16/2015	\$ 8,039.88		\$ 8,039.88	\$ 1,295.00	12	\$ 15,540.00
2012 La Conseillante, 750 ml	\$67.99	144	0	144	0	SO-0000478406 (Open)	5/9/2015	\$ 9,790.85		\$ 9,790.85	\$ 119.80	144	\$ 17,251.20
2005 Musigny V.V., Vogue, 750 ml	\$581.75	8	0	8	0	SO-0000477968 (Open)	5/4/2015	\$ 4,654.00		\$ 4,654.00	\$ 999.00	8	\$ 7,992.00
2013 Beauce Cent Vignes 1/2, Jadot, 375 ml	\$12.99	8	0	8	0	SO-0000477366 (Open)	4/26/2015	\$ 103.95		\$ 103.95	\$ 22.49	8	\$ 179.92
2012 Pave, 750 ml	\$142.99	24	0	24	0	SO-0000476001 (Open)	4/12/2015	\$ 3,431.84		\$ 3,431.84	\$ 294.98	24	\$ 7,079.52
2013 Beauce Bressandes 1/2, Jadot, 375 ml	\$12.34	24	0	24	0	SO-0000474656 (Open)	3/30/2015	\$ 296.24		\$ 296.24	\$ 19.50	24	\$ 468.00
2013 Beauce Bouchottes, Jadot, 750 ml	\$25.99	17	0	17	0	SO-0000474652 (Open)	3/30/2015	\$ 441.89		\$ 441.89	\$ 45.99	17	\$ 781.83
2013 Beauce Chouacheux 1/2, Jadot, 375 ml	\$12.34	24	0	24	0	SO-0000471139 (Open)	2/22/2015	\$ 296.24		\$ 296.24	\$ 26.25	24	\$ 630.00
2013 Beauce Chouacheux, Jadot, 750 ml	\$24.69	24	0	24	0	SO-0000471138 (Open)	2/22/2015	\$ 592.64		\$ 592.64	\$ 52.50	24	\$ 1,260.00
2013 Beauce Clos de l'Ecu, Falveley, 750 ml	\$24.99	36	0	36	0	SO-0000467771 (Open)	1/24/2015	\$ 899.64		\$ 899.64	\$ 52.99	36	\$ 1,907.64
2003 Ausone, 750 ml	\$559.99	6	0	6	0	SO-0000466119 (Open)	1/2/2015	\$ 3,359.95		\$ 3,359.95	\$ 995.00	6	\$ 5,970.00
2003 Ausone, 750 ml	\$559.99	12	0	12	0	SO-0000466063 (Open)	1/2/2015	\$ 6,719.90		\$ 6,719.90	\$ 995.00	12	\$ 11,940.00
2011 Clos Vougeot, Leroy, 750 ml	\$674.99	12	0	12	0	SO-0000463752 (Open)	12/9/2014	\$ 8,099.91		\$ 8,099.91	\$ 1,750.00	12	\$ 21,000.00
Gosset Grande Reserve, 750 ml	\$29.25	12	0	12	0	SO-0000463535 (Open)	12/7/2014	\$ 351.00		\$ 351.00	\$ 39.00	12	\$ 468.00
2004 Gosset Grand Millesime, 750 ml	\$36.00	24	0	24	0	SO-0000462012 (Open)	11/23/2014	\$ 864.00		\$ 864.00	\$ 60.42	24	\$ 1,450.08
2004 Gosset Grand Millesime, 750 ml	\$36.00	12	0	12	0	SO-0000461943 (Open)	11/23/2014	\$ 432.00		\$ 432.00	\$ 60.42	12	\$ 725.04
2006 Pol Roger Brut Rose, 750 ml	\$39.99	9	0	9	0	SO-0000459146 (Open)	10/26/2014	\$ 359.91		\$ 359.91	\$ 87.99	9	\$ 791.91
2013 Beauce Clos des Ursules, Jadot, 750 ml	\$33.99	24	0	24	0	SO-0000457792 (Open)	10/11/2014	\$ 815.76		\$ 815.76	\$ 66.98	24	\$ 1,607.52
2013 Beauce Cent Vignes, Jadot, 750 ml	\$22.99	20	0	20	0	SO-0000457722 (Open)	10/11/2014	\$ 459.80		\$ 459.80	\$ 44.99	20	\$ 899.80
2013 Beauce Clos des Ursules, Jadot, 750 ml	\$33.99	6	0	6	0	SO-0000457716 (Open)	10/11/2014	\$ 203.94		\$ 203.94	\$ 66.98	6	\$ 401.88
2006 Pol Roger Brut Rose, 750 ml	\$39.99	24	0	24	0	SO-0000457191 (Open)	10/4/2014	\$ 959.76		\$ 959.76	\$ 87.99	24	\$ 2,111.76
2013 Cotes-du-Roussillon Villages Occultum Lapidem, 750 ml	\$16.24	60	0	60	0	SO-0000455935 (Open)	9/23/2014	\$ 974.40		\$ 974.40	\$ 20.99	60	\$ 1,259.40
Billecart Salmon Rose, 750 ml	\$42.99	12	0	12	0	SO-0000454125 (Open)	8/31/2014	\$ 515.88		\$ 515.88	\$ 62.98	12	\$ 755.76
Billecart Salmon Rose, 750 ml	\$42.99	12	0	12	0	SO-0000454086 (Open)	8/31/2014	\$ 515.88		\$ 515.88	\$ 62.98	12	\$ 755.76
2012 Chateaufort Cuvée V.V., Janasse, 750 ml	\$51.99	12	0	12	0	SO-0000453668 (Open)	8/27/2014	\$ 623.92		\$ 623.92	\$ 69.95	12	\$ 839.40
2011 Bourgogne Rouge Cuvée Pinson, Ponsot, 750 ml	\$24.99	3	0	3	0	SO-0000452642 (Open)	8/16/2014	\$ 74.97		\$ 74.97	\$ 79.99	3	\$ 239.97
2012 Chateaufort du Pape, Clos St Jean, 750 ml	\$18.99	6	0	6	0	SO-0000450297 (Open)	7/19/2014	\$ 113.94		\$ 113.94	\$ 35.00	6	\$ 210.00
2012 Chablis Fourchaume, Fevre, 750 ml	\$28.99	6	0	6	0	SO-0000446131 (Open)	5/31/2014	\$ 173.94		\$ 173.94	\$ 39.03	6	\$ 234.18
2012 Puligny Referts, Jadot, 750 ml	\$39.99	3	0	3	0	SO-0000446131 (Open)	5/31/2014	\$ 119.97		\$ 119.97	\$ 77.68	3	\$ 233.04
2012 Chateaufort Cuvée Chaupin, Janasse, 750 ml	\$39.99	12	0	12	0	SO-0000446131 (Open)	5/31/2014	\$ 479.88		\$ 479.88	\$ 57.99	12	\$ 695.88
2012 Puligny La Garenne, Jadot, 750 ml	\$39.99	3	0	3	0	SO-0000446131 (Open)	5/31/2014	\$ 119.97		\$ 119.97	\$ 81.67	3	\$ 245.01
2012 Beauce Theurons 1/2, Jadot, 375 ml	\$15.59	1	0	1	0	SO-0000445202 (Open)	5/17/2014	\$ 15.59		\$ 15.59	\$ 23.49	1	\$ 23.49
2012 Gevrey Cazetiers 1/2, Jadot, 375 ml	\$26.99	6	0	6	0	SO-0000444808 (Open)	5/11/2014	\$ 161.94		\$ 161.94	\$ 49.99	6	\$ 299.94
2012 Chateaufort Cuvée V.V., Janasse, 750 ml	\$59.99	28	0	28	0	SO-0000444359 (Open)	5/4/2014	\$ 1,679.72		\$ 1,679.72	\$ 69.95	28	\$ 1,958.60
2012 Beauce Bressandes 1/2, Jadot, 375 ml	\$11.99	24	0	24	0	SO-0000444026 (Open)	5/1/2014	\$ 287.76		\$ 287.76	\$ 22.49	24	\$ 539.76
2012 Beauce Chouacheux Domaine Gagey, Jadot, 750 ml	\$23.50	24	0	24	0	SO-0000444026 (Open)	5/1/2014	\$ 564.00		\$ 564.00	\$ 39.89	24	\$ 957.36
2012 Beauce Bressandes, Jadot, 750 ml	\$22.99	33	0	33	0	SO-0000444026 (Open)	5/1/2014	\$ 758.67		\$ 758.67	\$ 44.99	33	\$ 1,484.67
2012 Beauce Chouacheux 1/2, Jadot, 375 ml	\$11.99	54	0	54	0	SO-0000444026 (Open)	5/1/2014	\$ 647.46		\$ 647.46	\$ 19.94	54	\$ 1,076.76
2012 Beauce Bressandes 1/2, Jadot, 375 ml	\$11.99	24	0	24	0	SO-0000444036 (Open)	5/1/2014	\$ 287.76		\$ 287.76	\$ 22.49	24	\$ 539.76
2012 Beauce Chouacheux Domaine Gagey, Jadot, 750 ml	\$23.50	12	0	12	0	SO-0000444036 (Open)	5/1/2014	\$ 282.00		\$ 282.00	\$ 39.89	12	\$ 478.68
2012 Chateaufort Tradition Magnum, Bosquet des Pages, 1.5 L	\$39.99	18	0	18	0	SO-0000442497 (Open)	4/16/2014	\$ 719.82		\$ 719.82	\$ 89.95	18	\$ 1,619.10
2012 Chateaufort du Pape, Clos St Jean, 750 ml	\$19.99	36	0	36	0	SO-0000442497 (Open)	4/16/2014	\$ 719.64		\$ 719.64	\$ 35.00	36	\$ 1,260.00
2012 Chateaufort Cuvée V.V., Janasse, 750 ml	\$59.99	8	0	8	0	SO-0000442068 (Open)	4/12/2014	\$ 479.92		\$ 479.92	\$ 69.95	8	\$ 559.60
2011 Quinta do Noval Nacional, 750 ml	\$499.99	12	0	12	0	SO-0000436711 (Open)	2/8/2014	\$ 5,999.88		\$ 5,999.88	\$ 1,000.00	12	\$ 12,000.00
Legras Brut Blanc de Blancs, 750 ml	\$21.44	18	0	18	0	SO-0000432170 (Open)	12/26/2013	\$ 385.98		\$ 385.98	\$ 32.95	18	\$ 593.10
2010 Bourgogne Grand Ordinaire, Roty, 750 ml	\$11.04	24	0	24	0	SO-0000432170 (Open)	12/26/2013	\$ 265.04		\$ 265.04	\$ 27.99	24	\$ 671.76
2010 Bourgogne Grand Ordinaire, Roty, 750 ml	\$9.99	36	0	36	0	SO-0000416534 (Open)	6/24/2013	\$ 359.64		\$ 359.64	\$ 27.99	36	\$ 1,007.64
2010 Beausejour Duffau Magnum, 1.5 L	\$299.99	3	0	3	0	SO-0000413747 (Open)	5/23/2013	\$ 899.97		\$ 899.97	\$ 660.00	3	\$ 1,980.00
2010 Bourgogne Cuvée de Pressonnier, Roty, 750 ml	\$13.99	60	0	60	0	SO-0000409680 (Open)	4/7/2013	\$ 839.40		\$ 839.40	\$ 26.98	60	\$ 1,618.80
2009 Pierre de Lune, 750 ml	\$34.99	39	0	39	0	SO-0000368533 (Open)	12/3/2011	\$ 1,364.61		\$ 1,364.61	\$ 101.50	39	\$ 3,958.50
2009 Pierre de Lune Magnum, 1.5 L	\$71.99	12	0	12	0	SO-0000368533 (Open)	12/3/2011	\$ 863.88		\$ 863.88	\$ 203.00	12	\$ 2,436.00
2009 Clos St Martin, 750 ml	\$29.99	12	0	12	0	SO-0000354224 (Open)	4/15/2011	\$ 359.88		\$ 359.88	\$ 130.00	12	\$ 1,560.00
2008 Duhart Milon, 750 ml	\$49.99	53	0	53	0	SO-0000337645 (Open)	5/23/2010	\$ 2,649.47	\$ (2,649.47)	\$ -	\$ -		\$ -
2008 Margaux, 750 ml	\$239.99	20	0	20	0	SO-0000336459 (Open)	4/30/2010	\$ 4,799.80	\$ (4,799.80)	\$ -	\$ -		\$ -
2008 Mouton Rothschild, 750 ml	\$249.99	60	0	60	0	SO-0000336390 (Open)	4/30/2010	\$ 14,999.40	\$ (14,999.40)	\$ -	\$ -		\$ -
2008 Reignac, 750 ml	\$14.99	60	0	60	0	SO-0000333753 (Open)	2/25/2010	\$ 899.40	\$ (899.40)	\$ -	\$ -		\$ -
2007 Chateaufort Deux Freres, Usseglio, 750 ml	\$229.99	36	0	36	0	SO-0000328007 (Open)	11/12/2009	\$ 8,279.64	\$ (8,279.64)	\$ -	\$ -		\$ -
2000 St. Innocent Pinot Noir Seven Springs Special Select	\$39.99	1	1	0	-	SO-0000492112	*	\$ 39.99	\$ (39.99)	\$ -	\$ -		\$ -
2002 St. Innocent Pinot Noir Shea	\$37.99	1	1	0	-	SO-0000492112	*	\$ 37.99	\$ (37.99)	\$ -	\$ -		\$ -
2013 F. Esmonin Pernand-Vergeleses, Boutieres	\$19.99	2	2	0	-	SO-0000481919	*	\$ 39.98	\$ (39.98)	\$ -	\$ -		\$ -
2009 Jadot Beune 1er Cru 150th Anniversary Cuvée	\$38.99	9	9	0	-	SO-0000376776	*	\$ 350.91	\$ (350.91)	\$ -	\$ -		\$ -
Rounding / Unexplained								\$ (0.79)	\$ 0.79	\$ -	\$ -		\$ -

Total / Claim for Undelivered Wine if Provisional Credit from American Express Is Reversed

Provisional Credit from American Express (Amex) ****

Total / Claim if Provisional Credit from American Express Is Not Reversed

* These last four wines were delivered to Robert Gaynor on 1/6/16 (due to time lag, they would have been included in 1/7/16 Bankruptcy Filing as Open Orders).

** Calculated as Unit Price times Quantity; some amounts corrected slightly (i.e., by pennies) for rounding to reflect actual invoice amount / amount charged to Amex card.

*** Value per bottle equal to lowest price in USA as shown on wine-searcher.com (Pro Version - the gold standard for wine prices), a database showing 8,643,815 wines and prices from 64,831 merchants around the world.

**** A credit of \$64,378.08 has been posted to Creditor's Amex account. However, this credit is provisional and may be reversed, with Amex stating "... (We) will continue to research the credit... If we find that we applied a credit incorrectly, we will notify you immediately and will properly bill you again." (Source: Amex 5/10/16 Notification to Robert Gaynor)

***** \$108,339.00 Claim as of the Petition Filing Date is from Doc # 16-1, Filed 1/21/16, page 663 of 1144.

\$ 108,339.00	\$ (32,095.79)	\$ 76,243.21
Equal to		\$ (64,378.08)
"Claim as of the		
Petition Filing		\$ 11,865.13
Date" ****		From Claimant's
		5/23/16 Proof of
		Claim Submission

\$ 150,035.14
\$ (64,378.08)
\$ 85,657.06
Claimant's
5/24/2016
Amended Proof
of Claim
Submission

REG - 5/24/16

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 CaliforniaCase number: 16-40050

FILED

U.S. Bankruptcy Court
Northern District of California

5/23/2016

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>Robert Gaynor</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?	☒ 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?	Where should payments to the creditor be sent? (if different)
	<u>Robert Gaynor</u>	_____
	Name	Name
	<u>20414 Black Tree Lane</u>	_____
	<u>Estero, FL 33928</u>	_____
	Contact phone <u>224-545-2175</u>	Contact phone _____
	Contact email <u>rgaynor@comcast.net</u>	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: _____									
7. How much is the claim?	\$ unknown 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 healthcare information. Merchandise paid for but not received _____									
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 <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>. ☐ 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.) <table style="width: 100%;"><tr><td style="width: 40%;">Value of property:</td><td style="width: 10%;">\$</td><td style="width: 50%; border-bottom: 1px solid black;"></td></tr><tr><td>Amount of the claim that is secured:</td><td>\$</td><td style="border-bottom: 1px solid black;"></td></tr><tr><td>Amount of the claim that is unsecured:</td><td>\$</td><td style="border-bottom: 1px solid black;"></td></tr></table> (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	Value of property:	\$		Amount of the claim that is secured:	\$		Amount of the claim that is unsecured:	\$	
Value of property:	\$									
Amount of the claim that is secured:	\$									
Amount of the claim that is unsecured:	\$									
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. <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.	☐ 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 5/23/2016
MM / DD / YYYY

/s/ Robert Gaynor

Signature

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

Name Robert Gaynor
First name Middle name Last name

Title _____

Company _____

Address Identify the corporate servicer as the company if the authorized agent is a servicer
20414 Black Tree Lane

Number Street
Estero, FL 33928

City State ZIP Code

Contact phone 2245452175 Email _____

Calculation of Claim by Creditor Robert Gaynor

Premier Cru Open Orders (Undelivered Wines) per Premier Cru Website (1/9/16)	\$ 108,339.00	Equal to "Claim as of the Petition Filing Date" from Doc # 16-1, Filed 01/21/16, page 663 of 1144. <u>Note</u> : The Premier Cru records that generated the \$108,339.00 amount are incorporated by reference as documentation in support of this claim.
Correction (Reduction) to Premier Cru Open Orders	\$ (32,095.79)	Total of Closed Orders Erroneously Included in Premier List of Open Orders, per Creditor's records.
Subtotal Above	<u>\$ 76,243.21</u>	Claim if Provisional Credit from American Express (Amex) is reversed.
Provisional Credit Received from American Express	\$ (64,378.08)	This Credit has been posted to Creditor's Amex account. However, this credit is provisional and may be reversed, with Amex stating "... (We) will continue to research the credit... If we find that we applied a credit incorrectly, we will notify you immediately and will properly bill you again." <i>Source: Amex 5/10/16 Notification to Robert Gaynor</i>
Total Above	<u><u>\$ 11,865.13</u></u>	Claim if Provisional Credit from Amex is not reversed.

5/23/2016