

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
5/25/2016
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 E. Rothfield</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>Robert E. Rothfield</u> Name 2300 North Commerce Parkway Suite 202 Weston, FL 33326 Contact phone <u>954-389-7999</u> Contact email <u>rermdpa@msn.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>6127.00</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).</p> <p>Limit disclosing information that is entitled to privacy, such as healthcare information.</p> <p><u>Non delivery of 'pre-arrival' wine</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 checked="" type="checkbox"/> No <input 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 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). <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)(<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 5/25/2016
MM / DD / YYYY

/s/ Robert E. Rothfield

Signature

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

Name Robert E. Rothfield
First name Middle name Last name

Title _____

Company _____

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

2300 North Commerce Parkway, #202

Number Street

Weston, FL 33326

























City State ZIP Code

Contact phone 954-389-7999 Email rermdpa@msn.com

Pending (82 bottles)

500 / page

Store: Premier Cru × Delivery Status: Only pending ×

	Vintage	Name	Variety	Store	#	Remaining	Size	Price	Purchased	Delivered	More...
<input type="checkbox"/>		2009	Château Haut-Bailly	Pessac-Léognan	Premier Cru	2	2 (750ml)	\$168.00	4/22/2015	Pending delivery	
			Red Bordeaux Blend						#0000476913		
	2010	Castello Banfi	Brunello di Montalcino	Poggio alle Mura	Premier Cru	3	3 (750ml)	\$37.00	4/14/2015	Pending delivery	
			Sangiovese						#173999		
									2300 N Commerce Pkwy		
									Suite 202		
									Fort Lauderdale, FL 33326 USA		
									Robert Rothfield Robert Rothfield		
									2300 N Commerce Pkwy		
									Suite 202		
									Fort Lauderdale, FL 33326 USA		
									#173999		
	2012	Château Léoville Las Cases	St. Julien	Premier Cru	2	2 (750ml)	\$84.00	2/24/2015	Pending delivery		
			Red Bordeaux Blend						0000471370		
	2012	Château La Mission Haut-Brion	Pessac-Léognan	Premier Cru	2	2 (750ml)	\$117.00	2/15/2015	Pending delivery		
			Red Bordeaux Blend						SO-0000470294-169512		
	2012	Château Pontet-Canet	Pauillac	Premier Cru	6	6 (750ml)	\$55.25	2/10/2015	Pending delivery		
			Red Bordeaux Blend						0000469666		
	2012	Château Troplong Mondot	St. Émilion Grand Cru	Premier Cru	4	4 (750ml)	\$59.00	2/8/2015	Pending delivery		
			Red Bordeaux Blend						#469448		
	2010	Pertimali (Livio Sassetti)	Brunello di Montalcino	Premier Cru	2	2 (750ml)	\$75.00	1/30/2015	Pending delivery		
			Sangiovese						#468272		
	2012	Château Pontet-Canet	Pauillac	Premier Cru	2	2 (750ml)	\$55.25	1/25/2015	Pending delivery		
			Red Bordeaux Blend								
	2012	Château Troplong Mondot	St. Émilion Grand Cru	Premier Cru	2	2 (750ml)	\$51.35	1/25/2015	Pending delivery		
			Red Bordeaux Blend								
	2005	Château Pontet-Canet	Pauillac	Premier Cru	2	2 (750ml)	\$88.00	1/7/2015	Pending delivery		
			Red Bordeaux Blend								
	2010	La Dame de Montrose	St. Estèphe	Premier Cru	3	3 (750ml)	\$50.00	12/31/2014	Pending delivery		
			Red Bordeaux Blend						0000465664		
	2003	Château Pontet-Canet	Pauillac	Premier Cru	3	3 (750ml)	\$80.00	12/31/2014	Pending delivery		
			Red Bordeaux Blend						0000465497		
	2013	Château Coutet	Barsac	Premier Cru	2	2 (750ml)	\$26.00	12/1/2014	Pending delivery		
			Sémillon-Sauvignon Blanc Blend						#462485		
	2009	Château Marojallia	Margaux	Premier Cru	2	2 (750ml)	\$70.40	11/2/2014	Pending delivery		
			Red Bordeaux Blend						SO-0000460009-161619		
	2011	Domaine du Pégaü	Châteauneuf-du-Pape	Premier Cru	3	3 (750ml)	\$32.40	10/20/2014	Pending delivery		
			Réserve						#160443		
			Red Rhone Blend								
	2012	Château Angélus	St. Émilion Grand Cru	Premier Cru	2	2 (750ml)	\$125.00	9/6/2014	Pending delivery		
			Red Bordeaux Blend						0000454547-157528		
	2012	Clos des Papes	Châteauneuf-du-Pape	Premier Cru	1	1 (750ml)	\$85.00	9/3/2014	Pending delivery		
			Red Rhone Blend						157369		
	2012	Domaine du Vieux Télégraphe	Châteauneuf-du-Pape	Premier Cru	2	2 (750ml)	\$39.99	8/23/2014	Pending delivery		
			Pape La Crau						0000453188		
			Red Rhone Blend								
	2011	Tenuta dell'Ornellaia	Bolgheri Superiore	Premier Cru	2	2 (750ml)	\$118.00	8/5/2014	Pending delivery		
			Red Bordeaux Blend						Order Number: 155468		
	2010	Château Canon-la-Gaffelière	St. Émilion Grand Cru	Premier Cru	2	2 (750ml)	\$80.00	5/6/2014	Pending delivery		
			Red Bordeaux Blend								
	2010	Château Canon-la-Gaffelière	St. Émilion Grand Cru	Premier Cru	1	1 (750ml)	\$90.00	5/3/2014	Pending delivery		
			Red Bordeaux Blend						web order number is SO-		
									0000444262-149987		
	2012	Château La Mission Haut-Brion	Pessac-Léognan	Premier Cru	1	1 (750ml)	\$136.50	4/29/2014	Pending delivery		
			Red Bordeaux Blend								
	2010	Le Petit Lion de Marquis de Las Cases	St. Julien	Premier Cru	2	2 (750ml)	\$30.00	4/20/2014	Pending delivery		
			Red Bordeaux Blend								
	2010	Le Petit Lion de Marquis de Las Cases	St. Julien	Premier Cru	2	2 (750ml)	\$30.00	4/19/2014	Pending delivery		
			Red Bordeaux Blend								
				Premier Cru	1	1 (750ml)	\$100.00	4/13/2014	Pending delivery		

2010 Château Canon-la-Gaffelière St. Émilion Grand Cru
Red Bordeaux Blend

2010 E. Pira & Figli (Chiara Boschis) Barolo Cannubi Premier Cru 1, 1 (750ml) \$60.00 4/7/2014 Pending delivery
Nebbiolo

2010 E. Pira & Figli (Chiara Boschis) Barolo Mosconi Premier Cru 1, 1 (750ml) \$57.74 4/7/2014 Pending delivery
Nebbiolo

2010 E. Pira & Figli (Chiara Boschis) Barolo Via Nuova Premier Cru 1, 1 (750ml) \$69.99 3/18/2014 Pending delivery
Nebbiolo

2010 Azelia Barolo Bricco Fiasco Nebbiolo Premier Cru 1, 1 (750ml) \$79.99 3/3/2014 Pending delivery

2010 Ettore Grasso Barolo Vigna Chiniera Nebbiolo Premier Cru 1, 1 (750ml) \$84.99 3/3/2014 Pending delivery

2009 Château Le Carré St. Émilion Premier Cru 2, 2 (750ml) \$79.99 3/3/2014 Pending delivery
Red Bordeaux Blend

2010 E. Pira & Figli (Chiara Boschis) Barolo Cannubi Premier Cru 2, 2 (750ml) \$59.99 3/3/2014 Pending delivery
Nebbiolo

2010 Château Brane-Cantenac Margaux Premier Cru 1, 1 (750ml) \$55.00 2/5/2014 Pending delivery
Red Bordeaux Blend

2010 Château Beychevelle St. Julien Premier Cru 3, 3 (750ml) \$55.25 1/8/2014 Pending delivery
Red Bordeaux Blend

2010 Château Léoville Poyferré St. Julien Premier Cru 1, 1 (750ml) \$135.00 1/8/2014 Pending delivery
Red Bordeaux Blend

2010 Tenuta San Guido Bolgheri Sassicaia Sassicaia Premier Cru 1, 1 (750ml) \$129.95 1/8/2014 Pending delivery
Red Bordeaux Blend

2012 Château La Mission Haut-Brion Pessac-Léognan Premier Cru 2, 2 (750ml) \$150.00 1/5/2014 Pending delivery
Red Bordeaux Blend

2010 Antinori Solaia Toscana IGT SuperTuscan Blend Premier Cru 1, 1 (750ml) \$145.00 12/22/2013 Pending delivery

2010 Tenuta dell'Ornellaia Bolgheri Superiore Ornellaia Premier Cru 1, 1 (750ml) \$145.00 12/22/2013 Pending delivery
Red Bordeaux Blend

2009 Château Brane-Cantenac Margaux Premier Cru 1, 1 (750ml) \$55.00 12/2/2013 Pending delivery
Red Bordeaux Blend

2010 Château Canon-la-Gaffelière St. Émilion Grand Cru Premier Cru 2, 2 (750ml) \$95.00 11/19/2013 Pending delivery
Red Bordeaux Blend

2004 Moët & Chandon Champagne Cuvée Dom Pérignon Premier Cru 1, 1 (750ml) \$100.00 10/19/2013 Pending delivery
Champagne Blend

2010 Antinori Tignanello Toscana IGT Premier Cru 3, 3 (750ml) \$60.00 9/14/2013 Pending delivery
SuperTuscan Blend

Purchased Bottles: 82 / Remaining: 82 / Purchases: 43 / Stores: 1 / Cost: \$6,127

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