Fill in this information to identify the case:
Debtor 1 Fox Ostego Enterprises
Debtor 2 (Spouse, if filing)
United States Bankruptcy Court for the: Way District of Color Of
Case number 16 - 40050 - WIL

JUL 7 - 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.

	art 1: Identify the C	laim			
1.	Who is the current creditor?	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?			
	Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	David Gersten Feld  Name 4299 Hylan Blud  Number Street  Staten Island NY 10317  City State ZIP Code  Contact phone 268-612-0867	Name Number City Contact phone	Street  State	ZIP Code
4.	Does this claim amend one already filed?	No Yes. Claim number on court claims registry (if known)		Filed on	YYYY
5.	Do you know if anyone else has filed a proof of claim for this claim?	Yes. Who made the earlier filing?			

Case 16-40050 Claim 2272 Filed 07/07/16 Desc Main Document

Page 1 of 18

Official Form 410

Do you have any number you use to identify the debtor?	Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor:
. How much is the claim?	\$ 15,844,15
. 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.  WINES NEVEL DEFINERAL OFFICE ON BEGINNING.
o. Is all or part of the claim secured?	Nature of 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:  \$  (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: \$
	☐ Fixed ☐ Variable
10. Is this claim based on a lease?	☑ 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:

2. Is all or part of the claim entitled to priority under	Yes. Check one:	Amount entitled to priority						
11 U.S.C. § 507(a)?  A claim may be partly priority and partly	☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$						
nonpriority. For example, in some categories, the law limits the amount	☐ Up to \$2,850* of deposits toward purchase, lease, or rental of property or services fo personal, family, or household use. 11 U.S.C. § 507(a)(7).	or \$						
entitled to priority.	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.						
ANTHERESTANDANIA CONTROL OF A THERE AND A THE SECOND STATE OF THE								
Part 3: Sign Below								
The person completing his proof of claim must	Check the appropriate box:							
ign and date it. RBP 9011(b).	I am the creditor.  I am the creditor's attorney or authorized agent.							
you file this claim	☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.							
lectronically, FRBP	☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.							
5005(a)(2) authorizes courts o establish local rules								
specifying what a signature s.	I understand that an authorized signature on this <i>Proof of Claim</i> serves as an acknowledgme	ent that when calculating the						
A person who files a	nount of the claim, the creditor gave the debtor credit for any payments received toward the debt.							
raudulent claim could be fined up to \$500,000, mprisoned for up to 5	I have examined the information in this <i>Proof of Claim</i> and have a reasonable belief that the information is true and correct.							
years, or both.	I declare under penalty of perjury that the foregoing is true and correct.							
18 U.S.C. §§ 152, 157, and 3571.	Executed on date $\frac{06 130 2016}{MM / DD / YYYY}$							
	Signature							
	Print the name of the person who is completing and signing this claim:							
	Corstens	Plo						
	Name	ne						
	Title							
	Company the company if the outborized agent is a servicer							
	Identify the corporate servicer as the company if the authorized agent is a servicer.  Address							
	Number Street Island, NY 10312							
	Contact phone City 908 612-0867 State ZIP Cod	2020@concos						

Case 16-40050 Claim 2272 Filed 07/07/16 Desc Main Document Page 3 of 18

June 30, 2016

Re: Case # 16-40050-WJL Fox Ortega Enterprises as debtor

To the Court:

Attached to the 2 copies of the proof of claim are 2 sets of documents. One is copies of receipts of each set of wines paid for on prearrival to Premier Cru. The other is a copy of my Cellartracker account (a website for listing bottles both in my cellar and awaiting shipment) showing the dates purchased and entered into my account. The circled wines are the ones I am filing the claim for. The other wines listed were already reimbursed to me by my credit card company.

Sincerely,

David Gerstenfeld

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## ORDER DETAILS

Order No.: SO-0000394906 Order Date.: Oct 19, 2012

Status:

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Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Hermitage Bessards, Delas, 750 ml	6	0	6	0	\$109.99	\$659.94

Subtotal:

\$659.94

Tax:

\$0.00

Total:

\$659.94

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OHI I ING DETAILO	The second secon		
Wine	Ordered	Shipped	Remain
Witte	and the second section of the section o	and the second s	Anadom of the former, was a second of the se
	6	0	6
2010 Hermitage Bessards, Delas, 750 ml	0	0	

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jort University Ave.

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Supplies: Closed

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# **ORDER DETAILS**

Order No.: SO-0000408847 Order Date.: Mar 30, 2013 Status: Open

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Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	1
2004 Roederer Cristal, 750 ml	6	0	6	0	\$139.99	\$839.94	
2004 Taittinger Comtes de Champagne Blanc de Blancs, 750 ml	6-		0_	0	\$99.99	\$599.94	L

Subtotal: \$1,439.88

Tax:

\$0.00

\$1,439.88 Total:

CHIPPING DETAILS

SHILL INCLUDE THE SHIP OF THE				į
Wine	Ordered	Shipped	Remain	
2004 Roederer Cristal, 750 ml	6	0	6	
2004 Taittinger Comtes de Champagne Blanc de Blancs, 750 ml	6	6	0	

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roug University Ave.

Thereby bridge room bun-

Hadaday, CA 942101

Salurday: 10am-5pm

Sunday: Closed (Tiel, here for directions)

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## **ORDER DETAILS**

Order No.: SO-0000413421 Order Date.: May 18, 2013

Status:

Open

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Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	
2002 Meursault Perrieres, Leroy, 750 ml	1	1	0	0	\$125.00	\$125.00	-
2010 Hermitage La Chapelle, Jaboulet, 750 ml	6	0	6	0	\$129.99	\$779.94	

Subtotal:

\$904.94

Tax:

\$0.00

Total:

\$904.94

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Wine		Ordered	Shipped	Remain	ĺ
2002 Meursa	ult Perrieres, Leroy, 750 ml	The second secon	T	0	
A to the section of t	age La Chapelle, Jaboulet, 750 ml	6	0	6	

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# **ORDER DETAILS**

Order No.: SO-0000416333 Order Date.: Jun 22, 2013 Status: Open

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	LOUPULASE DETAILS	····			and which is the state of the s			
	Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	
	To with a promotive state of the contraction of the				,	\$259.99	\$779.97	
-	2002 Dom Perignon Rose, 750 ml	3	0	5	U	\$239,99	\$175.57	

Subtotal:

\$779.97 \$0.00 Tax:

Total:

\$779.97

CHIPPING DETAILS

	OTHER HIGH DETAILS				
	Wine	Ordered	Shipped	Remain	
'				and the second s	
	2002 Dom Perignon Rose, 750 ml	3	0	3	

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ton University Ave. Herbeley, CA 04710 clieb here for directions. Story Hours

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Saturday: room-5pm Burnley: Closed

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## **ORDER DETAILS**

Order No.: SO-0000416798
Order Date: Jun 25, 2013
Status: Open

#### **PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	
2004 Dom Perignon, 750 ml	12	0	12	0	\$99.99	\$1,199.88	

Subtotal:

\$1,199.88

Tax:

\$0.00

Total:

\$1,199.88

#### SHIPPING DETAILS

Wine	Ordered	Shipped	Remain	
2004 Dom Perignon, 750 ml	12	0	12	

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Saturday: 10om Spro

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## **ORDER DETAILS**

Order No.: SO-0000425767 Order Date.: Oct 19, 2013 Status: Open

PURCHASE DETAILS

I UNUINOL DLINILO			,	1		r	
Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	
2010 Grands Echezeaux, Laurent, 750 ml	6	0	6	0	\$179.99	\$1,079.94	

\$1,079.94 Subtotal:

> Tax: \$0.00

Total: \$1,079.94

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain	
2010 Grands Echezeaux, Laurent, 750 ml	6	0	6	

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tent University Ave. Beddeby, CA 03710. Tuesday Friday; 10am opin Saturday, roam-Span-

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Sunday: Closed

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# **ORDER DETAILS**

Order No.: SO-0000434216 Order Date.: Jan 15, 2014 Status: Open

**PURCHASE DETAILS** 

The state of the s											
Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price					
2010 Cote Rotie La Landonne, Guigal, 750 ml	4	0	4	O	\$369.99	\$1,479.96					
2010 Cote Rotie La Mouline, Guigal, 750 ml	4	0	4	0	\$369,99	\$1,479.96					
2010 Cote Rotie La Turque, Guigal, 750 ml	4	0	4	0	\$369.99	\$1,479.96					

Subtotal: \$4,439.88

Tax:

\$0.00

Total: \$4,439.88

**SHIPPING DETAILS** 

Wine	Ordered	Shipped	Remain
2010 Cote Rotie La Landonne, Guigal, 750 ml	4	0	4
2010 Cote Rotie La Mouline, Guigal, 750 ml	4	0	4
2010 Cote Rotie La Turque, Guigal, 750 ml	4	0	4

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### **ORDER DETAILS**

Order No.: SO-0000437576
Order Date.: Feb 15, 2014
Status: Open

PURCHASE DETAILS

1 OHOLING DELINES		y	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·			į
Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle		Total Price	
2010 Clos de Beze V.V., Laurent, 750 ml	6	0	6	0	\$209.99	(	\$1,259.96	>
2010 Grands Echezeaux, Gros Freres, 750 ml	4.	4		0	\$206.25		\$825.00	

**Subtotal:** \$2,084.96

Tax:

\$0.00

**Total:** \$2,084.96

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain	į
2010 Clos de Beze V.V., Laurent, 750 ml	6	0	6	İ
2010 Grands Echezeaux, Gros Freres, 750 ml	4	4	0	į

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# **ORDER DETAILS**

Order No.: SO-0000447376 Order Date.: Jun 14, 2014 Status: Open

#### **PURCHASE DETAILS**

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price	
2009 Chateauneuf Cuvee Celestins, Henri Bonneau, 750 ml	6	0	6	0	\$209.99	\$1,259.94	

Subtotal: \$1,259.94

> Tax: \$0.00

Total: \$1,259.94

### SHIPPING DETAILS

Wine	Ordered	Shipped	Remain	
2009 Chateauneuf Cuvee Celestins, Henri Bonneau, 750 ml	6	0	6	

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Saturday, toang 5pm

Bunday: Closed

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# **ORDER DETAILS**

Order No.: SO-0000452106 Order Date.: Aug 9, 2014 Status: Open

#### PURCHASE DETAILS

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Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2009 d'Yquem 1/2, 375 ml	6	0	6	0	\$239.99	\$1,439.94

Subtotal:

\$1,439.94

Tax:

\$0.00

Total:

\$1,439.94

#### SHIPPING DETAILS

Wine	Ordered	Shipped	Remain	
2009 d'Yquem 1/2, 375 ml	6	0	6	

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Bunday: Closed

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## **ORDER DETAILS**

Order No.: SO-0000452677 Order Date.: Aug 16, 2014

Status:

Open

### **PURCHASE DETAILS**

i	Wine		a article for the second and an incident and a		The second section of the secti	The state of the s	
	wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
	2004 Bollinger Grand Annee Rose, 750 ml	6	0	6	• 0	\$89.99	\$539.94

Subtotal: \$539.94

Tax:

\$0.00

Total:

\$539.94

### SHIPPING DETAILS

Wine	The state of the s	1		
WINE	Ordered	Shipped	Remain	
2004 Bollinger Grand Annee Rose, 750 ml	and the same of the same of the same and the same of t			
	0	0	6	

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Sunday: Closed

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# **ORDER DETAILS**

Order No.: SO-0000491427 Order Date.: Oct 2, 2015 Status: Open

### **PURCHASE DETAILS**

	Wine	Holomogram is an analysis of the square of t					THE RESERVE THE PROPERTY OF TH				
ļ	Wille	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price				
The state of the s	2004 Taittinger Comtes de Champagne Blanc de Blancs, 750 ml	12	0	12	0	\$119.99	\$1,439.88				

Subtotal: \$1,439.88

Tax:

\$0.00

Total: \$1,439.88

### SHIPPING DETAILS

Wine				3
	Ordered	Shipped	Remain	
2004 Taittinger Comtes de Champagne Blanc de Blancs, 750 ml	12	0	1 2	
	the fragment with a first process of the top of the state		12	

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#### About Us

We source the world's finest nines at extremely competitive prices to provide exceptional experiences for collectors, compolescenes, and everyday wine lovees.

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Cellartracker account

Store: Premier Cru × Delivery Status: Only pending × Vintage Name Variety Store # Remaining Size Price Purchased Delivered 2004 Taittinger Champagne Brut Blanc de Blancs Comtes Premier Cru 12, 12 (750ml) 10/2/2015 de Champagne \$0.00 Pending delivery Chardonnay 1996 Moët & Chandon Champagne Cuvée Dom Pérignon Premier Cru 4, 4 (750ml) 7/11/2015 Rosé \$0.00 Pending delivery Champagne Blend 2002 Louis Roederer Champagne Cristal Brut Premier Cru 4, 4 (750ml) 6/7/2015 Champagne Blend \$0.00 Pending delivery 1995 Krug Champagne Vintage Brut Champagne Blend Premier Cru 3, 3 (750ml) 5/25/2015 \$0.00 Pending delivery 2005 Louis Roederer Champagne Cristal Brut Rosé Premier Cru 4, 4 (750ml) 5/18/2015 \$0.00 Pending delivery 2003 E. Guigal Côte-Rôtie La Turque Syrah Premier Cru 2, 2 (750ml) \$0.00 Pending delivery 1990 Krug Champagne Vintage Brut Champagne Blend Premier Cru 3, 3 (750ml) 4/22/2015 \$0.00 Pending delivery 2002 Pol Roger Champagne Cuvée Sir Winston Churchill Premier Cru 3, 3 (750mf) 4/12/2015 Champagne Blend \$0.00 Pending delivery 1999 Domaine de la Romanée-Conti Grands-Echezeaux Premier Cru 2, 2 (750ml) 3/28/2015 Grands-Echezeaux Grand Cru Pinot Noir \$0.00 Pending delivery 2004 Moët & Chandon Champagne Cuvée Dom Pérignon Premier Cru 6, 6 (750ml) 3/15/2015 Rosá \$0.00 Pending delivery Champagne Blend 2009 Domaine Dujac Vosne-Romanée 1er Cru Aux Premier Cru 4, 4 (750ml) 2/17/2015 Malconsorts \$0.00 Pending delivery Pinot Noir 2004 Bollinger Champagne Grande Année Rosé Premier Cru 6, 6 (750ml) 2/15/2015 Champagne Blend \$0,00 Pending delivery 2002 Ruinart Champagne Dom Ruinart Brut Rosé Premier Cru 4, 4 (750ml) 2/1/2015 Champagne Blend \$0.00 Pending delivery 2000 Château Margaux Red Bordeaux Blend Premier Cru 2, 2 (750ml) 1/2/2015 \$0,00 Pending delivery 2002 Billecart-Salmon Champagne Cuvée Nicolas-Premier Cru 6, 6 (750ml) 12/20/2014 François Billecart \$0.00 Pending delivery Champagne Blend NV Krug Champagne Brut Grande Cuvée Premier Cru 4, 4 (750ml) 12/13/2014 Champagne Blend \$0.00 Pending delivery 2002 Pol Roger Champagne Cuvée Sir Winston Churchill Premier Cru 3, 3 (750ml) 12/6/2014 Champagne Blend \$0,00 Pending delivery 2004 Pol Roger Champagne Blanc de Blancs Chardonnay Premier Cru 6, 6 (750ml) 10/19/2014 \$0,00 Pending delivery NV Krug Champagne Brut Grande Cuvée Premier Cru 4, 4 (750ml) 8/31/2014 Champagne Blend \$0.00 Pending delivery 2010 E. Guigal Ermitage Ex-Voto Hermitage Premier Cru 6, 6 (750ml) 8/23/2014 \$0.00 Pending delivery 2004 Bollinger Champagne Grande Année Rosé Premier Cru 6, 6 (750ml) 8/16/2014 Champagne Blend \$0.00 Pending delivery 2009 Château d'Yquem Sauternes Premier Cru 6, 6 (375ml) 8/9/2014 Sémillon-Sauvignon Blanc Blend \$0.00 Pending delivery 2009 Henri Bonneau Châteauneuf-du-Pape Réserve des Premier Cru 6, 6 (750ml) 6/14/2014 Célestins \$0.00 Pending delivery Red Rhone Blend 2010 Dominique Laurent Chambertin-Clos de Bèze Premier Cru 6, 6 (750ml) 2/17/2014 Viellles Vianes \$0.00 Pending delivery Chambertin-Clos de Bèze Grand Cru Pinot Noir 2010 E. Guigal Côte-Rôtie La Landonne Syrah Premier Cru 4, 4 (750ml) 1/15/2014 \$0,00

Premier Cru

2010 E. Guigal Côte-Rôtie La Mouline Syrah

Pending delivery

1/15/2014

4, 4 (750ml)

		\$0.00		Pending delivery
	2010 E. Guigal Côte-Rôtie La Turque Syrah	Premier Cru \$0.00	<b>4, 4</b> (750ml)	1/15/2014 Pending delivery
	2010 Dominique Laurent Grands-Echezeaux Vieilles Vignes Grands-Echezeaux Grand Cru Pinot Noir	Premier Cru \$0.00	6, 6 (750ml)	10/19/2013 Pending delivery
Y.	2004 Moët & Chandon Champagne Cuvée Dom Pérignon Champagne Blend	Premier Cru \$0.00	12, 12 (750ml)	6/25/2013 Pending delivery
- 1 - 1	2002 Moët & Chandon Champagne Cuvée Dom Pérignon Rosé Champagne Blend	Premier Cru \$0.00	3, 3 (750ml)	6/23/2013 Pending delivery
hand h	2010 Paul Jaboulet Aîné Hermitage La Chapelle Syrah	Premier Cru \$0.00	6, 6 (750ml)	6/14/2013 Pending delivery
J.	2004 Louis Roederer Champagne Cristal Brut Champagne Blend	Premier Cru \$130.00	6, 6 (750ml)	3/30/2013 Pending delivery
	2010 Delas Frères Hermitage Les Bessards Syrah	Premier Cru \$110.00	6, 6 (750ml)	10/19/2012 Pending delivery

Purchased Bottles: 163 Remaining: 163 Purchases: 33 Stores: 1 Cost: \$1,440

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