

Fill in this information to identify the case:

Debtor 1

fox Ortega Enterprises

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the

Northern District of California

Case number

16-40050-WJL

FILED

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.

Part 1: Identify the Claim

1. Who is the current creditor?

David Gerstenfeld

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?

David Gerstenfeld

Name

4299 Hylan Blvd

Number

Street

Staten Island NY 10312

City

State

ZIP Code

908-612-0867

Contact phone

dag2020@comcast.net

Contact email

Where should payments to the creditor be sent? (if different)

Name

Number

Street

City

State

ZIP Code

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?	<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?	\$ <u>15,844.15</u> 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).
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). Limit disclosing information that is entitled to privacy, such as health care information.</p> <p style="font-size: 1.2em; font-family: cursive;">Wines never delivered ordered on prearming</p>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. 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: _____ 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) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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.

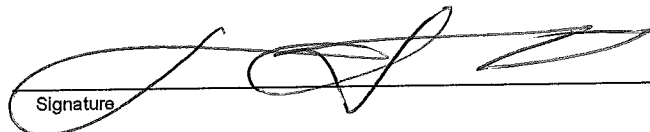
I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

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

06/30/2016
MM / DD / YYYY


Signature

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

Name

David

Middle name

Gerstenfeld

Last name

Title

Company

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

Address

4299 Hylan Blvd

Number Street

Staten Island, NY

10312

City

State

ZIP Code

Contact phone

908-612-0867

Email

dg2020@comcast.net

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: Open

PURCHASE DETAILS

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

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2010 Hermitage Bessards, Delas, 750 ml	6	0	6

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ORDER DETAILS

Order No.: SO-0000408847

Order Date.: Mar 30, 2013

Status: Open

PURCHASE DETAILS

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

Subtotal: \$1,439.88

Tax: \$0.00

Total: \$1,439.88

SHIPPING DETAILS

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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ORDER DETAILS

Order No.: SO-0000413421

Order Date.: May 18, 2013

Status: Open

PURCHASE DETAILS

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

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2002 Meursault Perrieres, Leroy, 750 ml	1	1	0
2010 Hermitage 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

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2002 Dom Perignon Rose, 750 ml	3	0	3	0	\$259.99	\$779.97

Subtotal: \$779.97

Tax: \$0.00

Total: \$779.97

SHIPPING DETAILS

Wine	Ordered	Shipped	Remain
2002 Dom Perignon Rose, 750 ml	3	0	3

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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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ORDER DETAILS

Order No.: SO-0000425767

Order Date.: Oct 19, 2013

Status: Open

PURCHASE DETAILS

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

Subtotal: \$1,079.94

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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ORDER DETAILS

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

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
2010 Cote Rotie La Landonne, Guigal, 750 ml	4	0	4	0	\$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 Turquie, 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 Turquie, 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

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	0	\$206.25	\$825.00

Subtotal: \$2,084.96
 Tax: \$0.00
 Total: \$2,084.96

SHIPPING DETAILS

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

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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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ORDER DETAILS

Order No.: SO-0000452106

Order Date.: Aug 9, 2014

Status: Open

PURCHASE DETAILS

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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ORDER DETAILS

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

PURCHASE DETAILS

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	Ordered	Shipped	Remain
2004 Bollinger Grand Annee Rose, 750 ml	6	0	6

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 Sundays: Closed

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ORDER DETAILS

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

PURCHASE DETAILS

Wine	Qty	Shipped	Remain	Ready To Ship	Price/Bottle	Total Price
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	Ordered	Shipped	Remain
2004 Taittinger Comtes de Champagne Blanc de Blancs, 750 ml	12	0	12

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Store: Premier Cru × Delivery Status: Only pending ×

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

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

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

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