

IN THE SUPREME COURT OF THE STATE OF NEVADA

PACIFIC WESTERN BANK, A
CALIFORNIA BANKING CORPORATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE SUSAN SCANN,
DISTRICT JUDGE,

Respondents,

and

JOHN A. RITTER, AN INDIVIDUAL;
DARRIN D. BADGER, AN INDIVIDUAL;
AND VINCENT T. SCHETTLER, AN
INDIVIDUAL,

Real Parties in Interest.

Electronically Filed
Mar 04 2016 03:47 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Supreme Case No: 69048

District Court No: A710645

Dept. 29

**REAL PARTY IN INTEREST JOHN A. RITTER'S SUGGESTION OF
BANKRUPTCY AND NOTICE OF OPERATION OF AUTOMATIC STAY**

PLEASE TAKE NOTICE that on February 29, 2016 (the "Petition Date"), an involuntary petition for relief under chapter 7 of title 11 of the United States Code, 11 U.S.C. §§ 101, et seq. (the "Bankruptcy Code") was filed against Real Party in Interest John A. Ritter (the "Alleged Debtor"), in the United States Bankruptcy Court for the District of Nevada (the "Bankruptcy Court"). A true and correct copy of the petition filed against the Alleged Debtor is attached hereto as Exhibit A.

PLEASE TAKE FURTHER NOTICE that pursuant to section 362(a) of the Bankruptcy Code, the commencement of the Alleged Debtor's involuntary chapter

7 case operates as a stay (the “Automatic Stay”), applicable to the Alleged Debtor, of among other things: “the commencement or continuation, including the issuance or employment of process, of a judicial, administrative or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title.” 11 U.S.C. § 362(a).

PLEASE TAKE FURTHER NOTICE that actions taken in violation of the Automatic Stay are void and may subject the person or entity taking such action to the imposition of sanctions by the Bankruptcy Court.

Dated this 4th day of March, 2016.

REID RUBINSTEIN & BOGATZ

By: /s/ Charles M. Vlasic
I. SCOTT BOGATZ (3367)
CHARLES M. VLASIC III (11308)
3883 Howard Hughes Parkway, Ste. 790
Las Vegas, Nevada 89169
Telephone: (702) 776-7000
Facsimile: (702) 776-7900
Attorneys for Petitioner, John R. Ritter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of March, 2016, I served a copy of the foregoing **REAL PARTY IN INTEREST JOHN A. RITTER'S SUGGESTION OF BANKRUPTCY AND NOTICE OF OPERATION OF AUTOMATIC STAY** upon each of the following parties electronically, through the Nevada Supreme Court's e-filing system where applicable, and otherwise, through the United States Mail:

Snell & Wilmer LLP
BOB OLSON, ESQ.
KELLY H. DOVE, ESQ.
KARL O. RILEY, ESQ.
3883 Howard Hughes Parkway, Ste. 1100
Las Vegas, Nevada 89169
Attorneys for Petitioner, Pacific Western Bank

Fox Rothschild, LLP
MARK J. CONNOT, ESQ.
3800 Howard Hughes Parkway, 5th Floor
Las Vegas, Nevada 89169
*Co-counsel for Real Parties in Interest,
John A. Ritter and Darrin D. Badger*

Glen Lerner Injury Attorneys
JOSEPH F. SCHMITT, ESQ.
4795 S. Durango Drive
Las Vegas, Nevada 89147
*Attorneys for Real Parties in Interest,
Vincent T. Schettler*

Timothy S. Cory & Associates
TIMOTHY S. CORY, ESQ.
8831 W. Sahara Ave.
Las Vegas, Nevada 89117
*Attorneys for Real Parties in Interest,
Vincent T. Schettler*

/s/ Kristee M. Kallas
An employee of REID RUBINSTEIN & BOGATZ

EXHIBIT A

EXHIBIT A

Fill in this information to identify the case:

United States Bankruptcy Court for the:

District of Nevada

Case number (If known): _____ Chapter 7☐ Check if this is an amended filing**Official Form 105****Involuntary Petition Against an Individual****12/15**

Use this form to begin a bankruptcy case against an individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against a non-individual, use the *Involuntary Petition Against a Non-individual* (Official Form 205). Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write name and case number (if known).

Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed**1. Chapter of the Bankruptcy Code**

Check one:

- ☒ Chapter 7
☐ Chapter 11

Part 2: Identify the Debtor**2. Debtor's full name**John

First name

A

Middle name

Ritter

Last name

Suffix (Sr., Jr., II, III)**3. Other names you know the debtor has used in the last 8 years**

Include any assumed, married, maiden, or trade names, or *doing business as* names.

4. Only the last 4 digits of debtor's Social Security Number or federal Individual Taxpayer Identification Number (ITIN)☐ Unknownxxx - xx - 1 3 5 2OR **9** xx - xx - _____**5. Any Employer Identification Numbers (EINs) used in the last 8 years**☒ Unknown_____
EIN_____
EIN

Debtor Ritter, John, A Case number (if known) _____

6. Debtor's address

Principal residence

8575 W. Washburn Rd.

Number Street

Las Vegas

City State ZIP Code

Clark

County

Mailing address, if different from residence

Number Street

City State ZIP Code

Principal place of business

Focus Property Group

Number Street

3455 Cliff Shadows Parkway, Ste. 2200Las Vegas

City State ZIP Code

Clark

County

7. Type of business

☐ Debtor does not operate a business*Check one if the debtor operates a business:*☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))☒ None of the above

8. Type of debt

Each petitioner believes:

☐ **Debts are primarily consumer debts.** *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."☒ **Debts are primarily business debts.** *Business debts* are debts that were incurred to obtain money for a business or investment or through the operation of the business or investment.

9. Do you know of any bankruptcy cases pending by or against any partner, spouse, or affiliate of this debtor?

☒ No☐ Yes. Debtor _____ Relationship _____District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY

Debtor _____ Relationship _____

District _____ Date filed _____ Case number, if known _____
MM / DD / YYYY

Debtor Ritter, John, A Case number (if known) _____**Part 3:** Report About the Case**10. Venue***Check one:*

Reason for filing in this court.

- ☒ Over the last 180 days before the filing of this bankruptcy, the debtor has resided, had the principal place of business, or had principal assets in this district longer than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.
- ☐ Other reason. Explain. (See 28 U.S.C. § 1408.) _____

11. Allegations

Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).

The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).

At least one box must be checked.

- ☒ The debtor is generally not paying such debtor's debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.
- ☐ Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

12. Has there been a transfer of any claim against the debtor by or to any petitioner?

- ☒ No
- ☐ Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).

13. Each petitioner's claim

Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
Multibank 2009-1 RES-ADC Venture, LLC	Commercial Guaranty & Forbearance Letter Agreement	See Exhibit 1
Pacific Western Bank	Judgment	See Exhibit 1
SV Litigation SPE, LLC	Judgment	See Exhibit 1
Total		\$ See Exhibit 1

If more than 3 petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's (or representative's) signature under the statement, along with the signature of the petitioner's attorney, and the information on the petitioning creditor, the petitioner's claim, the petitioner's representative, and the attorney following the format on this form.

Debtor: Ritter, John A

Case number (if known): _____

Part 4: Request for Relief

Petitioners request that an order for relief be entered against the debtor under the chapter specified in Part 1 of this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioners declare under penalty of perjury that the information provided in this petition is true and correct. Petitioners understand that if they make a false statement, they could be fined up to \$250,000 or imprisoned for up to 5 years, or both.

18 U.S.C. §§ 152 and 3571. If relief is not ordered, the court may award attorneys' fees, costs, damages, and punitive damages. 11 U.S.C. § 303(i).

Petitioners or Petitioners' Representative

x [Signature] *authorized signatory for attorney in fact*
 Signature of petitioner or representative, including representative's title

Multibank 2009-1 RES-ADC Venture, LLC

Printed name of petitioner

Date signed 02/25/2016
 MM / DD / YYYY

Mailing address of petitioner

c/o Garman Turner Gordon LLP
 650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
 City State ZIP Code

If petitioner is an individual and is not represented by an attorney:

Contact phone _____

Email _____

Name and mailing address of petitioner's representative, if any

Mark M. Weisenmiller, Esq.

Name

c/o Garman Turner Gordon LLP
 650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
 City State ZIP Code

Attorneys

x [Signature]
 Signature of attorney

Mark M. Weisenmiller, Esq.

Printed name

Garman Turner Gordon LLP

Firm name, if any

650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
 City State ZIP Code

Date signed 02/25/2016
 MM / DD / YYYY

Contact phone 725-777-3000 Email mweisenmiller@gtg.legal

Debtor

Ritter, John, A

Case number (if known)

X

Signature of petitioner or representative, including representative's title

Pacific Western Bank

Printed name of petitioner

Date signed 02/25/2016
MM / DD / YYYY

Mailing address of petitioner

c/o Garman Turner Gordon LLP
650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP Code

Name and mailing address of petitioner's representative, if any

Name

c/o Garman Turner Gordon LLP
650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP Code

X

Signature of petitioner or representative, including representative's title

SV Litigation SPE, LLC

Printed name of petitioner

Date signed 02/25/2016
MM / DD / YYYY

Mailing address of petitioner

c/o Garman Turner Gordon LLP
650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP Code

Name and mailing address of petitioner's representative, if any

Mark M. Weisenmiller, Esq.

Name

c/o Garman Turner Gordon LLP
650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP Code

X

Signature of Attorney

Mark M. Weisenmiller, Esq.

Printed name

Garman Turner Gordon LLP

Firm name, if any

650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP CodeDate signed 02/25/2016
MM / DD / YYYY

Contact phone 725-777-3000 Email mweisenmiller@gtg.legal

X

Signature of Attorney

Mark M. Weisenmiller, Esq.

Printed name

Garman Turner Gordon LLP

Firm name, if any

650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP CodeDate signed 02/25/2016
MM / DD / YYYY

Contact phone 725-777-3000 Email mweisenmiller@gtg.legal

Debtor Ritter, John, A

Case number (if known) _____

X

Signature of petitioner or representative, including representative's title

Pacific Western Bank

Printed name of petitioner

Date signed 02 / 25 / 2016
MM / DD / YYYY**Mailing address of petitioner**

c/o Garman Turner Gordon LLP

650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP Code**Name and mailing address of petitioner's representative, if any**

Name

c/o Garman Turner Gordon LLP

650 White Drive, Suite 100

Number Street

Las Vegas NV 89119

City State ZIP Code

X

Signature of Attorney

Mark M. Weisenmiller, Esq.

Printed name

Garman Turner Gordon LLP

Firm name, if any

650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP CodeDate signed 02 / 25 / 2016
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X

Signature of petitioner or representative, including representative's title

SV Litigation SPE, LLC

Printed name of petitioner

Date signed 02 / 25 / 2016
MM / DD / YYYY**Mailing address of petitioner**

c/o Garman Turner Gordon LLP

650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP Code**Name and mailing address of petitioner's representative, if any**

Mark M. Weisenmiller, Esq.

Name

c/o Garman Turner Gordon LLP

650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP Code

X

Signature of Attorney

Mark M. Weisenmiller, Esq.

Printed name

Garman Turner Gordon LLP

Firm name, if any

650 White Drive, Suite 100

Number Street

Las Vegas NV 89119
City State ZIP CodeDate signed 02 / 25 / 2016
MM / DD / YYYYContact phone 725-777-3000 Email mweisenmiller@gtg.legal

EXHIBIT 1 TO INVOLUNTARY PETITION OF JOHN A. RITTER

NAME OF PETITIONER	NATURE OF PETITIONER'S CLAIM	AMOUNT OF THE CLAIM ABOVE THE VALUE OF ANY LIEN
Multibank 2009-1 RES-ADC Venture, LLC	Commercial Guaranty & Forbearance Letter Agreement	\$19,492,267.67 as of Dec. 15, 2015 + applicable fees, costs, and interest (which continues to accrue at a daily rate of \$5,105.37)
Pacific Western Bank	Judgment	\$3,369,448.67 + applicable fees, costs, and interest
SV Litigation SPE, LLC	Judgment	\$2,762,089.96 + applicable fees, costs, and interest
TOTAL		\$25,623,806.39 + applicable fees, costs, and interest