

FOR COURT USE ONLY

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NOV 17 2009

CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA BY [Signature] DEPUTY CLERK

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Peter C. Bronson (Cal. Bar No. 60669) LAW OFFICES OF PETER C. BRONSON, a Professional Corporation 400 Capitol Mall, 11th Floor Sacramento, California 95814 TELEPHONE NO.: (916) 444-1110 FAX NO.: (916) 449-1440 ATTORNEY FOR (Name): Plaintiffs and Judgment Creditors Bruce Johnson et al.

NAME OF COURT: UNITED STATES DISTRICT COURT STREET ADDRESS: 501 I Street MAILING ADDRESS: CITY AND ZIP CODE: Sacramento, California 95814 BRANCH NAME:

PLAINTIFF: BRUCE JOHNSON, EDWARD McCARTHY, WILLIAM RINN III and DOUGLAS WILSON DEFENDANT: RICHARD J. LEWIS III

APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION [X] ENFORCEMENT OF JUDGMENT [] ATTACHMENT (Third Person) [X] Judgment Debtor [] Third Person

CASE NUMBER: 2:08-mc-00148-GEB-EFB

ORDER TO APPEAR FOR EXAMINATION

- 1. TO (name): RICHARD J. LEWIS III
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
a. [X] furnish information to aid in enforcement of a money judgment against you.
b. [] answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
c. [] answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: December 16, 2009 Time: 9:30 a.m. Dept. or Div.: Rm.: Courtroom 25 Address of court [] shown above [X] is: 501 I Street, 8th Floor, Courtroom 25, Sacramento, CA 95814

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Johnson V. Lewis III Date: 11-16-09

[Signature] JUDGE OR REFEREE Doc. 11

This order must be served not less than 10 days before the date set for the examination. IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

- 4. [X] Judgment creditor [] Assignee of record [] Plaintiff who has a right to attach order applies for an order requiring (name): RICHARD J. LEWIS III to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt. Please see attached copy of Order annulling automatic stay and dismissing bankruptcy.
5. The person to be examined is
a. [X] the judgment debtor.
b. [] a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. [] This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. [] The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 16, 2009

Peter C. Bronson (TYPE OR PRINT NAME)

[Signature] (SIGNATURE OF DECLARANT)

(Continued on reverse)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

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Attorneys for
Richard J. Lewis III

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re)
Richard J. Lewis III)
Debtor(s))

Case No. 08-26007-D-11

DCN: SMR-3
Date: August 19, 2009
Time: 10:00 a.m.
Dept: D
Courtroom 34, 6th Floor
Judge Robert S. Bardwil

ORDER ON MOTION TO DISMISS CASE
[11 U.S.C. §1112(b)(3)(M) and (N)]

The Motion of Richard J. Lewis III for an order dismissing case came on for hearing at the time and place set forth above before the Honorable Robert S. Bardwil, United States Bankruptcy Court Judge. Stephen M. Reynolds appeared on behalf of Richard J. Lewis III. Peter Bronson appeared on behalf of Bruce Johnson, et al. Also appearing telephonically were Joshua Scheer and Louis Esbin.

The Court, having given due consideration to the Motion to Dismiss, the arguments of counsel at the hearing, and for good cause shown, hereby orders as follows:

1. The present case is hereby dismissed.

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2. The automatic stay of 11 U.S.C. §362(a) is annulled, for all purposes and in all respects, with regard to the following parties and their claims:

- a. PIDC Penn Venture Fund; and
 - b. Bruce Johnson, Edward McCarthy, William Rinn III and Douglas Wilson
3. Richard J. Lewis III is enjoined from filing or causing to be filed an individual or joint petition for bankruptcy relief for a period for 180 days from and after the date of entry of this Order.
4. The Court shall retain jurisdiction to determine fee awards and other matters.

Approved as to form:

Dated: _____
By: Peter Bronson, Attorney for Judgment Creditors, Bruce Johnson, William Rinn III and Douglas Wilson

Dated: _____
By: Joshua Scheer, Attorney for PIDC Penn Venture Fund

Dated: September 02, 2009



Robert S. Bardwil, Judge
United States Bankruptcy Court

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2. The automatic stay of 11 U.S.C. §362(a) is annulled, for all purposes and in all respects, with regard to the following parties and their claims:


- a. PIDC Penn Venture Fund; and
- b. Bruce Johnson, Edward McCarthy, William Rinn III and Douglas Wilson

3. Richard J. Lewis III is enjoined from filing or causing to be filed an individual or joint petition for bankruptcy relief for a period for 180 days from and after the date of entry of this Order.

4. The Court shall retain jurisdiction to determine fee awards and other matters.

Approved as to form:

Dated: Aug. 26, 2009

By: 
 Peter Bronson, Attorney for Judgment Creditors, Bruce Johnson,
 William Rinn III and Douglas Wilson

Dated:

By: _____
 Joshua Scheer, Attorney for PIDC Penn Venture Fund

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2. The automatic stay of 11 U.S.C. §362(a) is annulled, for all purposes and in all respects, with regard to the following parties and their claims:

- a. PIDC Penn Venture Fund; and
- b. Bruce Johnson, Edward McCarthy, William Rinn III and Douglas Wilson

3. Richard J. Lewis III is enjoined from filing or causing to be filed an individual or joint petition for bankruptcy relief for a period for 180 days from and after the date of entry of this Order.

4. The Court shall retain jurisdiction to determine fee awards and other matters.

Approved as to form:

Dated:

By: _____
Peter Bronson, Attorney for Judgment Creditors, Bruce Johnson,
William Rinn III and Douglas Wilson

Dated: 8/26/09

By:  _____
~~Joshua Scheer, Attorney for PIDC Penn Venture Fund~~