

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

JOHN J. MENTUS,

Petitioner,

v.

PETITION NO. _____

FRANK WASHENITZ and
R & W CABLE CO., INC.,
a West Virginia corporation,

Respondents.

PETITION

1. This action is brought pursuant to W. Va. Code 31D-14-1430(2).
2. The petitioner and respondent Frank Washenitz are residents of Marion County, West Virginia.
3. The corporate respondent, R & W Cable Co., Inc., is a corporation organized and existing under the laws of the State of West Virginia.
4. The petitioner and respondent Washenitz are the sole shareholders of R & W Cable Co., Inc., each owning 50% of the company's stock.
5. The petitioner and respondent Washenitz are the only directors of R & W Cable Co., Inc.
6. R & W Cable Co., Inc. has its principal offices in Marion County, to-wit: Route #1, Box 74, Rivesville, West Virginia, 26588.

7. On or about March 16, 2015, R & W Cable Co., Inc. lost a significant source of business which rendered the company unprofitable on a day-to-day basis with its current configuration of fixed costs and other operational costs.

8. Since that time, R & W Cable Co., Inc. has not been able to replace the lost source of business and has not changed the configuration of fixed and operational costs.

9. R & W Cable Co., Inc. continues to lose money and accumulated profits every day it is in business.

10. Petitioner and respondent Washenitz cannot agree on a profitable path forward and the corporate profits are being wasted.

11. The two directors are deadlocked in the management of the corporate affairs. Each director owns 50% of the corporate stock and thus are deadlocked. Irreparable injury is being suffered by the company and will continue to be suffered until the company is bankrupt unless the company is dissolved.

WHEREFORE, petitioner requests the following relief from this Honorable Court:

(1) That the Court set a hearing forthwith to determine whether a receiver or custodian should be appointed to seize the assets and to operate the business until further order of the Court.

(2) Appoint a receiver or custodian to take over the day-to-day operations of the company *pendente lite* with full power to make

day-to-day decisions allowing the company to return to reduced profitability until dissolved, including hiring and firing or adjusting pay and benefits to any employee, officer or director of the company, and take all other action required to preserve the corporate assets wherever located and carry on the business of the corporation until a full hearing can be had and a liquidation is ordered.

(3) That the Court order a liquidation of the company.

JOHN J. MENTUS,
Plaintiff

BY COUNSEL




George B. Armistead
BAKER & ARMISTEAD, PLLC
168 Chancery Row
P. O. Box 835
Morgantown, West Virginia 26507-0835

COUNSEL FOR PETITIONER

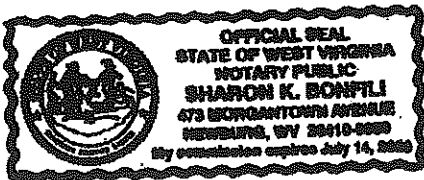
STATE OF WEST VIRGINIA,


COUNTY OF MONONGALIA, to-wit:

JOHN J. MENTUS, being first duly sworn, says that the facts and allegations contained in the foregoing PETITION are true, except so far as they are therein stated to be upon information, and that so far as they are therein stated to be upon information, he believes them to be true.


JOHN J. MENTUS

Taken, sworn to and subscribed before me this 1st day of May, 2015.




Notary Public in and for
Monongalia County, West Virginia

My commission expires: July 14, 2020

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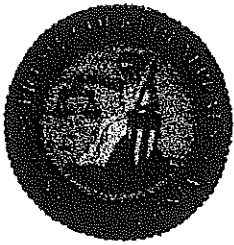
ORDER FILING PETITION

On this day came the petitioner, John J. Mentus, by his counsel, George B. Armistead, and presented unto the Court his Petition. The Court has inspected the same and finds it to be in proper form.

Accordingly, it is hereby ORDERED that the above-referenced petition be, and the same is, hereby filed and made part of this record. Upon an assignment to a division of this Court, a hearing on the injunctive relief sought is scheduled for _____, 2015, at _____ .m.

ENTER:

JUDGE



West Virginia E-Filing Receipt

GENERAL INFORMATION

Reference Number: 15UE2EZU
Filing Type: Petition

PAYMENT

Billing Type: Credit Card - One Time Payment - XXXX-XXXX-XXXX-6850
Payment Amount: \$200.00
Convenience Fee: \$8.10
Total Charges: \$208.10

CASE INFORMATION

County: Marion
Case Number: N/A
Style: N/A
Judge: N/A

DOCUMENTS

<u>File Name</u>	<u>Type</u>	<u>Size</u>	<u>Description</u>
Petition.pdf	Petition	0.04 MB	Petition to Liquidate Business Corporation and to Appoint Receiver Pendente Lite
Order filing Petition.pdf	Supporting Document	0.01 MB	Order Filing Petition and setting Hearing