

Micheline Nadeau Fairbank, Bar No. 226038
FENNEMORE CRAIG P.C.
 7800 Rancharrah Parkway
 Reno, NV 89704
 Tel: (775) 788-2200
 Email: mfairbank@fennemorelaw.com

John M. McHugh, Bar No. 45456
FENNEMORE
 1700 Lincoln Street, Suite 2400
 Denver, CO 90203
 Tel: (303) 291-3200 / Fax: (303) 291-3201
 Email: jmchugh@fennemorelaw.com

Mark Bostick, Bar No. 111241
 Thiele R. Dunaway, Bar No. 130953
FENNEMORE LLP
 1111 Broadway, 24th Floor
 Oakland, CA 94607
 Tel: (510) 834-6600 / Fax: (510) 834-1928
 Email: mostick@fennemorelaw.com
 rdunaway@fennemorelaw.com

James Hill, Bar No. 90478
FENNEMORE LLP
 600 B. Street, 17th Floor
 San Diego, CA 92101
 Tel: (619) 233-4100 / Fax: (619) 231-4372
 Email: jhill@fennemorelaw.com

Attorneys for Interested Parties KS Mattson
 Partners, LP and Kenneth W. Mattson

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SANTA ROSA DIVISION

In Re:

Lead Case No. 24-10545

LEFEVER MATTSON, a California
 corporation, et al.,

Jointly Administered

Debtors.

**APPLICATION TO DESIGNATE
 CREDITOR KS MATTSON
 PARTNERS, LP AS A "PERMITTED
 PARTY" UNDER THE COURT'S
 12/13/24 ORDER**

1 **TO: THE HONORABLE CHARLES NOVACK, UNITED STATES BANKRUPTCY**
2 **JUDGE, AT OAKLAND, CALIFORNIA:**

3 Creditor KS Mattson Partners, LP (“KSMP”) hereby applies to the Court to be included as
4 a “Permitted Party” under the Court’s Order on the Joint Motion Requesting for an Order (1)
5 Establishing Bar Date; (2) Approving Form and Manner of Notice of Bar Date and Procedures
6 Respect Thereto; and (3) Approving Confidentiality Protocol (Dkt. 459) (“Order”), and to direct
7 the Claims Agent, Kurtzman Carson Consultants, LLC dba Verita Global to provide KSMP with
8 copies of the Proof of Claims and Proof of Interests filed in in the above-captioned procedurally
9 consolidated case.

10 **I. BACKGROUND**

11 1. The Debtors and the Committee filed a Joint Motion Requesting for an Order (1)
12 Establishing Bar Date; (2) Approving Form and Manner of Notice of Bar Date and Procedures
13 Respect Thereto; and (3) Approving Confidentiality Protocol (“Joint Motion”) (Dkt. 366), on
14 November 22, 2024.

15 2. As relevant here, the Debtors and Official Committee of Unsecured Creditors
16 (“Committee”) sought a confidentiality protocol explaining it was “necessary and appropriate given
17 that, in addition to reducing Debtors’ potential exposure under data privacy laws like the [California
18 Consumer Privacy Act], confidential information submitted in and attached to the Investor Claim
19 Form can be (and in other bankruptcy cases, have been) used to perpetrate identity theft and
20 phishing scams.” Dkt. 366 at 17-18 (footnotes omitted).

21 3. The Order was entered approving the Joint Motion and the confidentially protocols
22 contained in the Joint Motion on December 13, 2024 (Dkt. 459).

23 4. Section (d)(iv) of the Joint Motion provides that, “investor Proofs of Interest and
24 Proofs of Claim and the information contained thereon and attached thereto shall be held and treated
25 as confidential by the Debtors, the Debtors’ counsel, and the Claims Agent and copies thereof may
26 be provided to the parties listed below (the “Permitted Parties”).”

27 5. Section (d)(iv) further provides that, “no party, including a Permitted Party, may
28 obtain copies of any Proof of Interest or Proof of Claim unless such party executes a confidentiality

1 agreement in a form mutually agreeable with the Debtors and Committee.” KSMP is prepared to
2 execute a confidentiality agreement consistent with those executed by other Permitted Parties.
3 Indeed, KSMP has previously executed the required declaration in order to access confidential
4 discovery material under the Court’s Protective Order. Dkt. 500 ¶ 4.2.4.

5 6. Section (d)(v)(8) of the Joint Motion provides that a “Permitted Party” can be “such
6 other persons as the Court allows after notice and an opportunity for hearing; provided, however,
7 that any such determination shall be made on no less than fourteen days’ prior notice to affected
8 Investors.”¹

9 **II. BASIS FOR RELIEF REQUESTED**

10 “The proof of claim plays the important role of alerting the court, trustee, and other
11 creditors, as well as the debtor, to claims against the estate and the creditor’s intention to enforce
12 the claims.” *In re Barker*, 839 F.3d 1189, 1195 (9th Cir. 2016) (cleaned up, emphasis added)
13 (quoting *In re Daystar of Cal., Inc.*, 122 B.R. 406, 408 (C.D. Cal. 1990)); *see also Adair v. Sherman*,
14 230 F.3d 890, 896 (7th Cir. 2000) (“The purpose of the proof of claim is to alert the court, trustee,
15 and other creditors, as well as the debtor, to claims against the estate.”) (cleaned up, emphasis
16 added). Consistent with this purpose, Section 107(a) of the Bankruptcy Code provides: “a paper
17 filed in a case under this title and the dockets of a bankruptcy court are public records and open to
18 examination by an entity at reasonable times without charge.” 11 U.S.C.A. § 107(a); *see also In re*
19 *Joyce*, 399 B.R. 382, 385 (Bankr. D. Del. 2009) (“[A]ll papers filed in bankruptcy cases and the
20 dockets of bankruptcy courts are public documents subject to examination by members of the
21 public.”). Section 105(a) empowers this Court to issue any order “necessary or appropriate to carry
22 out the provisions of [title 11].” 11 U.S.C. § 105(a).

23 KSMP is a 50% owner of Debtor LeFever Mattson. It is also an unsecured creditor of all of
24 the debtors in this case and timely filed its proof of claim documents. As the Ninth Circuit has
25 explained, the “important role” of the Proof of Claim and Proof of Interest filed in this action by
26 other creditors is, therefore, to “alert” KSMP of those other claims and the intention of other
27

28 ¹ KSMP will be seeking an expedited hearing on shortened time that complies with the Fourteen
Day Notice requirement.

1 creditors to enforce those claims. *See In re Barker*, 839 F.3d at 1195. Under the Bankruptcy Code,
2 KSMP has a presumptive right to view the Proof of Claim and Proof of Interest documents filed in
3 this action. 11 U.S.C.A. § 107(a).

4 In addition, the Debtors and Committee have made numerous public allegation that KSMP
5 and/or Kenneth Mattson were involved in “a years-long campaign of self-serving transactions,
6 many of which were not recorded in the books and records of LeFever Mattson, the Debtor, or any
7 of the other LPs or LLC.”² Among these allegations is a claim that certain investments were
8 “oversubscribed,” meaning that the total interests sold exceed 100%. The Proof of Claims and Proof
9 of Interests are relevant information for KSMP to evaluate and defend against such allegations and
10 to enable KSMP to assess the effect of such allegations on claims, interests and administration of
11 the case.

12 Nevertheless, the Debtors and the Committee have obtained an order deeming the Proof of
13 Claims and Proof of Interests filed in this action confidential with access limited to those
14 individuals named a “Permitted Party”. Creditors are not included in the list of “Permitted Party.”
15 But neither the Order nor the Joint Motion provide any basis to depart from the “important role”
16 that a proof of claim has in alerting other creditors of the claims against the estate in this proceeding.
17 KSMP and its professionals are ready, willing and able to execute a confidentiality agreement with
18 the Debtors and the Committee consistent with the agreement executed by other Permitted Parties
19 to obtain the Proof of Claims and Proof of Interests, as required in the Joint Motion.

20 Therefore, KSMP asks the Court to exercise its discretion to include KSMP in the scope of
21 “Permitted Party” under the Order and direct the Claims Agent to produce the filed Proof of Claims
22 and Proof of Interests at the offices of Fennemore LLP, 1111 Broadway, 24th Floor, Oakland,
23 California 94607, on or before April 1, 2025

24 A copy of the proposed *Order Designating KSMP as a Permitted Party* is attached hereto
25 as **Exhibit A**.

26
27
28 ²Declaration of Bradley D. Sharp in Support of Chapter 11 Petitions and First Day Motions (Dkt.
5) (the “First-Day Decl.”), ¶ 27.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March 28, 2025

FENNEMORE LLP

By: /s/ Mark Bostick
Micheline Nadeau Fairbank
Mark Bostick
Thiele R. Dunaway
James P. Hill
John M. McHugh
Attorneys for KS Mattson Partners,
LP and Kenneth W. Mattson

EXHIBIT A

1 Micheline Nadeau Fairbank, Bar No. 226038
2 **FENNEMORE CRAIG P.C.**
3 7800 Rancharrah Parkway
4 Reno, NV 89704
5 Tel: (775) 788-2200
6 Email: mfairbank@fennemorelaw.com

7 Mark Bostick, Bar No. 111241
8 Thiele R. Dunaway, Bar No. 130953
9 **FENNEMORE LLP**
10 1111 Broadway, 24th Floor
11 Oakland, CA 94607
12 Tel: (510) 834-6600 / Fax: (510) 834-1928
13 Email: mostick@fennemorelaw.com
14 rdunaway@fennemorelaw.com

15 James Hill, Bar No. 90478
16 **FENNEMORE LLP**
17 600 B. Street, 17th Floor
18 San Diego, CA 92101
19 Tel: (619) 233-4100 / Fax: (619) 231-4372
20 Email: jhill@fennemorelaw.com

21 Attorneys for Interested Parties KS Mattson
22 Partners, LP and Kenneth W. Mattson

23 UNITED STATES BANKRUPTCY COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SANTA ROSA DIVISION

26 In Re:

27 LEFEVER MATTSON, a California
28 corporation, et al.,

Debtors.

Lead Case No. 24-10545

Jointly Administered

**ORDER GRANTING APPLICATION
TO DESIGNATE CREDITOR KS
MATTSON PARTNERS, LP AS A
“PERMITTED PARTY” UNDER THE
COURT’S 12/13/24 ORDER**

///

///

///

1 Upon Consideration of the Creditor KS Mattson Partners, LP's ("KSMP") *Application to*
2 *Designate Creditor KS Mattson Partners, LP as a "Permitted Party" Under the Court's 12/13/14*
3 *Order* (the "Application"). After due deliberation and sufficient cause appearing therefore,

4 IT IS HEREBY ORDERED THAT:

- 5 1. The Application is granted as provided herein;
- 6 2. KSMP and its counsel is designated as a "Permitted Party";
- 7 3. The Claims Agent is directed to produce the filed Proof of Claims and Proof of
8 Interests at the offices of Fennemore LLP, 1111 Broadway, 24th Floor, Oakland,
9 California 94607; and
- 10 4. The Court shall retain jurisdiction to determine any controversy arising in
11 connection with this Order.

12 **END OF ORDER**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT SERVICE LIST

No court service is required.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Jeanne Rose, declare:

I am a citizen of the United States and am employed in the County of Alameda. I am over the age of 18 years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California, 94607-4036.

On the date set forth below I caused to be served the following document(s):

**APPLICATION TO DESIGNATE CREDITOR KS MATTSON PARTNERS, LP AS A
“PERMITTED PARTY” UNDER THE COURT’S 12/13/24 ORDER**

on each party listed below in the following manner:

- ☐ BY FIRST CLASS MAIL: by placing said document(s) in a sealed envelope with postage fully prepaid, in a United States mail box at Oakland, California, addressed as set forth below.
- ☐ BY ELECTRONIC MAIL: by transmitting via email said document(s) to the email address set forth below.
- ☒ (ECF): Pursuant to controlling General Orders and LBR, the foregoing document(s) will be served by the court via Notice of Electronic Filing (“NEF”) and hyperlink to the document(s). On the date set forth below, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the list of parties to receive NEF transmission at the email addresses stated below:

Gabrielle L. Albert on behalf of Debtor LeFever Mattson, a California corporation
galbert@kbklp.com

Kyra E. Andrassy on behalf of Creditor Anne Prisco
kandrassy@raineslaw.com, csheets@swelawfirm.com

Roxanne Bahadurji on behalf of Creditor Anne and Keith Gockel
rbahadurji@sullivanblackburn.com, ecf@macfern.com

Mia S. Blackler on behalf of Creditor JPMorgan Chase Bank, N.A.
mblackler@lubinolson.com

Mark Bostick on behalf of Creditor KS Mattson Partners, LP
mbostick@fennemorelaw.com, ecfbankruptcy@fennemorelaw.com

Gillian Nicole Brown on behalf of Creditor Committee Official Committee of
Unsecured Creditors
gbrown@pszjlaw.com

1 Stephen T. Cammack on behalf of Creditor Graham Reid
cammacklawoffice@gmail.com

2 Theodore A. Cohen on behalf of Attorney Sheppard, Mullin, Richter & Hampton
3 LLP
TCohen@sheppardmullin.com, mtzeng@sheppardmullin.com

4 Christopher Crowell on behalf of Creditor Citizens Business Bank
5 ccrowell@hrhlaw.com

6 Devan Dal Col on behalf of Creditor FEDERAL HOME LOAN MORTGAGE
CORPORATION
7 ddalcol@reedsmith.com

8 Jared A. Day on behalf of U.S. Trustee Office of the U.S. Trustee / SR
jared.a.day@usdoj.gov

9 Daniel Lloyd Egan on behalf of Creditor John L. Chase
10 degan@wilkefleury.com

11 John D. Fiero on behalf of Creditor Committee Official Committee of Unsecured
Creditors
12 jfiero@pszjlaw.com, ocarpio@pszjlaw.com

13 Todd S. Garan on behalf of Creditor JPMorgan Chase Bank, National Association
ecfcanb@aldridgepate.com, TSG@ecf.inforuptcy.com

14 Evan Gershbein
15 ECFpleadings@kccllc.com

16 Charles R Gibbs on behalf of Creditor Wilmington Trust, National Association, as
Trustee for the benefit of the Registered Holders of JPMBB Commercial Mortgage
17 Pass-Through Certificates, Series 2015-C30
crgibbs@mwe.com

18 Bernard R. Given, II on behalf of Other Prof. FTI Consulting Inc.
19 bgiven@loeb.com

20 Steven W Golden on behalf of Creditor Committee Official Committee of
Unsecured Creditors
21 sgolden@pszjlaw.com

22 Michael J. Gomez on behalf of Interested Party KeyBank National Association
mgomez@frandzel.com, dmoore@frandzel.com

23 Debra I. Grassgreen on behalf of Creditor Committee Official Committee of
24 Unsecured Creditors
dgrassgreen@pszjlaw.com, hphan@pszjlaw.com

25 Mitchell B. Greenberg on behalf of Creditor Poppy Bank
26 mgreenberg@abbeylaw.com, mmeroney@abbeylaw.com

27 Thomas P. Griffin, Jr. on behalf of Creditor Diana Goodman
tgriffin@hsmlaw.com, lnewberry@hsmlaw.com

1 Christopher V. Hawkins on behalf of Creditor KS Mattson Partners, LP
chawkins@fennemorelaw.com, Hawkins@ecf.inforuptcy.com

2 Deanna K. Hazelton on behalf of U.S. Trustee Office of the U.S. Trustee / SR
3 deanna.k.hazelton@usdoj.gov

4 Gabriel P Herrera on behalf of Creditor Wondra, et al.
gherrera@kmtg.com, bxiong@kmtg.com

5 James P. Hill on behalf of Creditor KS Mattson Partners, LP
6 jhill@fennemorelaw.com, bkstaff@sullivanhill.com

7 Lane C Hilton on behalf of Interested Party Linda Thom
lane@thersfirm.com

8 Catherine Holzhauser on behalf of Creditor Beeson, Tayer & Bodine, APC.
9 cholzhauser@beesontayer.com, awheeler@beesontayer.com

10 Marsha Houston on behalf of Creditor FEDERAL HOME LOAN MORTGAGE
CORPORATION
11 mhouston@reedsmith.com, hvalencia@reedsmith.com

12 Lance N. Jurich on behalf of Interested Party Serene Investment Management LLC
ljurich@loeb.com, pmatsuda@loeb.com

13 Robert B. Kaplan on behalf of Creditor Umpqua Bank
14 rbk@jmbm.com

15 Ivo Keller on behalf of Creditor Elizabeth H. Talley
ikeller@sflaw.com

16 Tobias S. Keller on behalf of Debtor LeFever Mattson, a California corporation
17 tkeller@kbklp.com

18 Thomas Philip Kelly, III on behalf of Creditor Andrew Revocable Trust dated June
21, 2001
19 tomkelly@sonic.net

20 Jeannie Kim on behalf of Creditor Socotra Capital, Inc.
jekim@sheppardmullin.com, dgatmen@sheppardmullin.com

21 Chris D. Kuhner on behalf of Creditor Bradley and Lori Olson
22 c.kuhner@kornfieldlaw.com, g.michael@kornfieldlaw.com

23 Benjamin R. Levinson on behalf of Creditor Visio International, Inc. and Y. Tito
Sasaki and Janet L. Sasaki Trust
24 ben@benlevinsonlaw.com

25 Sarah Lampi Little on behalf of Creditor Bradley and Lori Olson
sarah@kornfieldlaw.com

26 Christopher M. McDermott on behalf of Creditor Nationstar Mortgage LLC
27 ecfcab@aldridgepite.com, CMM@ecf.inforuptcy.com

28 Paul David Moak on behalf of Creditor FEDERAL HOME LOAN MORTGAGE

1 CORPORATION

pmoak@reedsmith.com

2 Thomas G. Mouzes on behalf of Creditor CP Grellas Partnership

3 tmouzes@boutinjones.com, cdomingo@boutinjones.com

4 Randall P. Mroczynski on behalf of Creditor Santander Consumer USA Inc. dba

Chrysler Capital

5 rmroczynski@cookseylaw.com

6 Eric A. Nyberg on behalf of Creditor Bradley and Lori Olson

7 e.nyberg@kornfieldlaw.com, g.michael@kornfieldlaw.com

8 Abigail O'Brient on behalf of Interested Party Winside USA, Inc.

AOBrient@cov.com, docketing@cov.com

9 Office of the U.S. Trustee / SR

10 USTPRegion17.SF.ECF@usdoj.gov

Eric S. Pezold on behalf of Creditor California Bank of Commerce

11 epezold@swlaw.com, fcardenas@swlaw.com

12 William L. Porter on behalf of Creditor 1-888-4-Abatement, Inc.

13 bporter@porterlaw.com, Ooberg@porterlaw.com

14 Douglas B. Provencher on behalf of Interested Party Douglas B. Provencher

dbp@provlaw.com

15 Yasha Rahimzadeh on behalf of Creditor Daninaan LLC

16 yrlaw@attorneynorcal.com

Dean G. Rallis, Jr. on behalf of Creditor California-American Water Company

17 drallis@hahnlawyers.com, drallis@ecf.courtdrive.com

18 Jason Rosell on behalf of Creditor Committee Official Committee of Unsecured
Creditors

19 jrosell@pszjlaw.com, mrenck@pszjlaw.com

20 Vadim J Rubinstein on behalf of Interested Party Serene Investment Management
LLC

21 vrubinstein@loeb.com

22 Thomas B. Rupp on behalf of Debtor Apan Partners LLC

23 trupp@kbklp.com

24 Maggie E. Schroedter on behalf of Creditor Nick Thom

maggie@thersfirm.com, maria@thersfirm.com

25 Eric C. Seitz on behalf of Creditor Wilmington Trust, National Association, as
Trustee for the benefit of the Registered Holders of JPMBB Commercial Mortgage
26 Pass-Through Certificates, Series 2015-C30

eseitz@mwe.com

27 Phillip John Shine on behalf of U.S. Trustee Office of the U.S. Trustee / SR

28 phillip.shine@usdoj.gov

Wayne A. Silver on behalf of Creditor Denise Ebbett
ws@waynesilverlaw.com, ws@waynesilverlaw.com

Jessica M. Simon on behalf of Creditor Citizens Business Bank
jsimon@hrhlaw.com

Boris Smyslov on behalf of Plaintiff Mariah Driver
attorney.boris@gmail.com

Andrew B. Still on behalf of Creditor California Bank of Commerce
astill@swlaw.com, kcollins@swlaw.com

Jason D. Strabo on behalf of Creditor Wilmington Trust, National Association, as
Trustee for the benefit of the Registered Holders of JPMBB Commercial Mortgage
Pass-Through Certificates, Series 2015-C30
jstrabo@mwe.com, dnorthrop@mwe.com

Sarah M. Stuppi on behalf of Creditor Ravindra Ambatipudi
sarah@stuppilaw.com

Christopher D. Sullivan on behalf of Creditor Anne and Keith Gockel
csullivan@sullivanblackburn.com, AJTorio@sullivanblackburn.com

Gerrick Warrington on behalf of Interested Party KeyBank National Association
gwarrington@frandzel.com, achase@frandzel.com

Craig A. Welin on behalf of Interested Party KeyBank National Association
cwelin@frandzel.com, bwilson@frandzel.com

Thomas A. Willoughby on behalf of Creditor Monley Hamlin Inc.
twilloughby@ffwplaw.com, docket@ffwplaw.com

Brooke Elizabeth Wilson on behalf of Creditor Committee Official Committee of
Unsecured Creditors
bwilson@pszjlaw.com

Jennifer C. Wong on behalf of Creditor Ally Bank
bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com

Bennett G. Young on behalf of Creditor Amanda Henry, as Trustee of the Frank
Bragg Revocable Trust
byoung@jmbm.com, jb8@jmbm.com

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

Executed on March 28, 2025, at Oakland, California.

/s/ Jeanne Rose
JEANNE ROSE