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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

In re

Case No. 24-10715 (CN)

Chapter 11

KS MATTSON PARTNERS, LP,
 Debtor¹.

MOTION OF DEBTOR FOR ENTRY OF AN ORDER (I) EXTENDING TIME TO FILE SCHEDULES OF ASSETS AND LIABILITIES, STATEMENTS OF FINANCIAL AFFAIRS AND LIST OF EQUITY SECURITY HOLDERS, AND (II) SUSPENDING THE NONGOVERNMENTAL BAR DATE

Date: TBD

Time: TBD

Place: (In Person or Via Zoom)

United States Bankruptcy Court
 1300 Clay Street, Courtroom 215
 Oakland, CA 94612

¹The last four digits of the Debtor's tax identification number are 5060. The Debtor's mailing address is c/o Stapleton Group, 514 Via de la Valle, Suite 210, Solana Beach, CA 92075.



1 KS Mattson Partners, LP (the “Debtor”) hereby moves (the “Motion”) this Court pursuant
2 to sections 105(a), and 521(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rules
3 1007(a)(3) and 1007(c) of the Federal Rules of Bankruptcy Procedure, (the “Bankruptcy Rules”) and Rule 3003-1 of the Bankruptcy Local Rules for the Northern District of California (the
4 “Bankruptcy Local Rules”) for the entry of an order (a) extending the initial 14-day period to file
5 their schedules of assets and liabilities, statements of financial affairs, and lists of equity security
6 holders (collectively, the “Schedules and Statements”) by 46 days, to allow the Debtor a total of 60
7 days after the Relief Date (as defined below) to file its Schedules and Statements (the “Schedules
8 and Statements Deadline”), without prejudice to the Debtor’s right to request additional time if
9 necessary; and (b) suspending the automatic bar date under B.L.R. 3003-1 for nongovernmental
10 creditors to file a proof of claim or interest (the “Nongovernmental Bar Date”) until such time as
11 the Debtor files a motion seeking approval of a specific Nongovernmental Bar Date. A proposed
12 form of order granting the relief requested herein is annexed hereto as **Exhibit A** (the “Proposed
13 Order”).

14 The facts and circumstances supporting this Motion are set forth in the Declarations of Mike
15 Bergthold (the “Bergthold Declaration”) and Robbin L. Itkin (the “Itkin Declaration”) in support
16 of the Motion, each filed contemporaneously herewith and incorporated by reference herein.
17 Capitalized terms used but not defined herein have the meanings given to them in the Itkin
18 Declaration or Bergthold Declaration, as applicable.

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 **I. JURISDICTION AND VENUE**

21 The United States Bankruptcy Court for the Northern District of California (this “Court”) has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334, the *Order Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges*, General Order 24 (N.D. Cal.), and Rule

1 5011-1(a) of the Bankruptcy Local Rules for the Northern District of California. This is a core
2 proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C.
3 §§ 1408 and 1409.

4 **II. BACKGROUND**

5 **A. General Background**

6 The Debtor's chapter 11 case arises out of an alleged multiyear and multimillion fraud
7 perpetrated by Kenneth Mattson. This fraud has resulted in multiple litigations against the Debtor,
8 Kenneth Mattson and LeFever Mattson, a California corporation (the real estate corporation jointly
9 owned by Mr. Mattson and Tim LeFever). It has also resulted in the United States Department of
10 Justice bringing criminal charges against Mr. Mattson.
11

12 On November 22, 2024, an involuntary petition for relief under chapter 11 of the
13 Bankruptcy Code was filed against the Debtor in this Court. On June 9, 2024 (the "Relief Date"),
14 the Court entered the *Stipulated Order for Relief in an Involuntary Case* (Docket No. 131) (the
15 "Stipulated Order"). On June 16, 2025, the Court entered an order (Docket No. 145) (the "Itkin
16 Approval Order") appointing, on an interim basis, Robbin L. Itkin as the Responsible Individual in
17 these cases. Among other things, the Itkin Approval Order provides that:
18

19 As Responsible Individual, Ms. Itkin (a) shall solely be responsible for the duties
20 and obligations of the Debtor as a debtor in possession; (b) shall be vested with the
21 sole and exclusive right and full authority to manage, conduct, and operate the
22 Debtor's business, including, without limitation, opening, closing, and otherwise
23 controlling the Debtor's bank accounts; and (c) shall not be removed as Responsible
24 Individual without further order of this Court. Notwithstanding anything to the
25 contrary contained herein or in the *Limited Partnership Agreement of K S Mattson
Partners, LP* (as amended from time to time), all decisions respecting any matter
affecting or arising out of the conduct of the business of the Debtor shall be made
by the Responsible Individual.

26 Itkin Approval Order ¶ 4. It further provides that "[n]one of Kenneth Mattson, Stacy Mattson or
27 K.S. Mattson Company, LLC shall have any authority, express or implied, to act on behalf of the
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Debtor, bind the Debtor, operate the Debtor's business, access any of the Debtor's assets or any property of the estate. Any such actions shall be void ab initio and a violation of this Order." *Id.* ¶ 5.

The Debtor continues to operate its business and manage its properties as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner, or official committee of unsecured creditors has been appointed in the chapter 11 case.

B. KS Mattson Partners, LP

The Debtor was formed as a California limited partnership on August 16, 1999, to manage and develop assets held by Kenneth Mattson and his family. The Debtor's partnership agreement¹ provides that its partnership interests are held by each of Kenneth Mattson (49%), Mr. Mattson's wife, Stacy Mattson, (49%), and K S Mattson Company, LLC ("KSMC") (2%).² Because the Debtor failed to maintain adequate books and records before the Relief Date, the Responsible Individual is currently undertaking efforts to determine what assets the Debtor owns. Currently, the Responsible Individual believes that the Debtor may hold interests in more than 25 properties,³ some of which the Debtor owns outright and some of which the Debtor holds as tenant in common with other investors.

C. Related Debtor Cases

On September 12, 2024, LeFever Mattson and fifty-seven affiliates and subsidiaries

¹ The Responsible Individual has been made aware that individuals and entities have filed proofs of claim or interest in the LeFever Mattson Chapter 11 Cases indicating that they have interests in or relating to the Debtor. The Responsible Individual will investigate these claims in discharging her duties.

² KSMC, a non-debtor entity, is the general partner of KSMP. The Debtor understands that Mr. and Mrs. Mattson holds 50% of the membership interests in KSMC, with Kenneth Mattson serving as KSMC's managing member.

³ The exact number is unknown and subject to further diligence.

(collectively, the “LeFever Mattson Debtors”)—parties related to the Debtor—filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code, commencing their jointly administered bankruptcy cases (the “LeFever Mattson Chapter 11 Cases”).⁴

D. The Debtor Has Limited Documents

Ms. Itkin has been unable to locate any traditional books and records detailing the assets, liabilities and operations of the Debtor. She is aware that many historical documents (predating May 2024), including Mr. Mattson’s laptop were seized in May 2024 by the federal government in connection with the criminal investigation of Mr. Mattson. She is further aware that some of these documents (amounting to over *700 gigabytes* and *one million pages* of discovery) have now been returned to Mr. Mattson through criminal discovery, but Mr. Mattson’s criminal counsel has informed Ms. Ikin that the scope of the protective order to which these documents are subject prohibit Mr. Mattson from providing these documents to the Debtor.⁵

Seized documents aside, Ms. Itkin and her professionals thus far have been able to locate few records detailing potential assets and liabilities generated after the May 2024 seizure. Earlier this week, the Debtor’s proposed financial advisor met with Mr. Mattson and his counsel to collect mail from a post office box—titled to Mr. Mattson—which the Debtor had been using as its mailing address. Some recent correspondence was obtained through this exercise. At this same meeting, Mr. Mattson provided the proposed financial advisor with documents he had been storing in his

⁴ One other entity, Windscape Apartments, LLC, filed a voluntary petition for chapter 11 (Case No. 24-10417) on August 6, 2024, and two other entities, Pinewood Condominiums, LP (Case No. 24-10598) and Ponderosa Pines, LP (Case No. 24-10599), filed voluntary chapter 11 petitions on October 2, 2024. These entities are the LeFever Mattson Debtors.

⁵ While Mr. Mattson’s criminal counsel has informed the Debtor that it appears that the government may be willing to modify the protective order to permit this discovery to be made available to the Debtor, even if those voluminous records become available to the Debtor, the Debtor has reason to believe it will require an exercise akin to a large document review in litigation to extrapolate the information necessary to populate the Statements and Schedules.

1 pickup truck. While this information is helping Ms. Itkin and the Debtor's proposed professionals
2 to put together the pieces of the puzzle, the amount of correspondence and documents retrieved
3 from this exercise seems to be less than what one would expect given the number of properties the
4 estate holds. Ms. Itkin and the Debtor's proposed professionals are seeking to determine if
5 documents or other correspondences are held elsewhere.
6

7 Additionally, since her interim appointment on June 16, 2025, Ms. Itkin has taken steps to
8 gain control of the Debtor's bank account. Ms. Itkin now has access to the Debtor's bank
9 statements, which will provide her and the Debtor's proposed professionals with valuable
10 information regarding the Debtor's operations, income sources and claims that may exist against
11 the estate.
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13 While Ms. Itkin and the Debtor's proposed professionals are working diligently and
14 progress has been made, the Debtor has a significant task ahead of it in reconstructing (or, rather,
15 constructing) the Debtor's books and records. This includes identifying all real estate and other
16 assets owned by the Debtor, determining whether any lease agreements or rental income streams
17 exist, tracking down vendors and service providers, assessing outstanding taxes, and identifying
18 the Debtor's secured or unsecured claims. The scope of this effort is substantial and will require
19 significant time and resources to complete, but it is essential to establishing a reliable foundation
20 for the administration of this case.
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22 **E. The Bar Date**

23 In a chapter 11 case in this District, B.L.R. 3003-1 provides that:

24 Unless otherwise ordered by the Court...proofs of claim or interest shall be filed
25 pursuant to Bankruptcy Rule 3003 and shall be filed within 90 days after the first
26 date set for the meeting of creditors called pursuant to 11 § 341(a), unless the
27 claimant is a government unit, in which case a proof of claim or interest shall be
28 filed before 180 days after the date of the order for relief or such later time as the
Bankruptcy Rules may provide.

1 BL.R. 3003-1. The bar date notice is included in the notice of bankruptcy generated by the Clerk's
2 office. As of the date of this Motion, the notice of bankruptcy has not yet been generated. While
3 the Debtor is in process of gaining access to this information, the Debtor understands that, in the
4 proof of claim process in the LeFever Mattson Chapter 11 Cases, many individuals and entities
5 have filed proofs of interest indicating that they hold interests in or related to the Debtor.
6 Additionally, the Debtor understands that the official committee in the LeFever Mattson Chapter
7 11 Cases intends to file a motion to substantively consolidate the Debtor's estate into the LeFever
8 Mattson Chapter 11 Cases, with a preliminary hearing to be scheduled for July 16, 2025.

10 **III. RELIEF REQUESTED**

11 The Debtor requests entry of an order (i) extending the Schedules and Statements Deadline
12 by 46 days, to August 8, 2025, granting the Debtor a total of 60 days after the Relief Date to file its
13 Schedules and Statements, without prejudice to the Debtor's right to request additional time if
14 necessary and (ii) suspending the automatic generation of the Nongovernmental Bar Date. The
15 requested extension of the Schedules and Statements Deadline will allow the Debtor time to prepare
16 the Statements and Schedules properly given the Debtor's lack of books and records and
17 employees, and in light of the limited documentation in the Debtor's possession. The requested
18 suspension of the Nongovernmental Bar Date will be efficient and in the best interests of the estate
19 and parties interest given (1) the potential for confusion should a bar date be imposed without a
20 customized proof of claim process, (2) the fact that there is an ongoing proof of claim and/or proof
21 of interest process in the LeFever Mattson Chapter 11 Cases, in which many parties have already
22 asserted interests in or related to the Debtor, and (3) the impending substantive consolidation
23 motion, as described herein.

26 **IV. CAUSE EXISTS TO EXTEND TIME TO FILE SCHEDULES AND STATEMENTS**

27 Section 521 of the Bankruptcy Code requires a debtor to file its schedules and statements
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1 of financial affairs unless the Court orders otherwise. 11 U.S.C. § 521(a)(1)(A)–(B). In an
2 involuntary chapter 11 case, the Schedules and Statements must be filed within fourteen (14) days
3 after entry of the order for relief unless the Bankruptcy Court grants an extension of time “on motion
4 for cause shown.” Fed. R. Bankr. P. 1007(c); *see also* Fed. R. Bankr. P. 1007(a)(3) (list of equity
5 security holders must be filed within fourteen (14) days after entry of order for relief “unless the
6 court orders otherwise.”). Additionally, section 105(a) of the Bankruptcy Code, which codifies the
7 equitable powers of the Bankruptcy Court, authorizes the Court to “issue any order, process or
8 judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. §
9 105(a). Similar relief (in the context of voluntary chapter 11 cases, where the 14-day deadline runs
10 from the petition date) has been granted in the Northern District of California in a number of cases,
11 including *In re the Roman Catholic Bishop of Santa Rosa*, 23-10113 (CN), Dkt. No. 45 (Order
12 Granting Debtor’s Application to Extend Time to File Schedules and Statement of Financial
13 Affairs) (Bankr. N.D. Cal. 2023) (schedules/SOFAs); *In re Trinitas Advantaged Agriculture*
14 *Partners IV, LP, et al.*, 24-50210 (DM), Dkt. No. 39 (Order Pursuant to 11 U.S.C. §§ 521(a) and
15 105(a) and Fed. R. Bankr. P. 1007(c) Extending Time to File Schedules of Assets and Liabilities
16 and Statements of Financial Affairs) (Bankr. N.D. Cal 2024) (schedules/SOFAs); and *In re Shift*
17 *Technologies, Inc. et al.*, 23-30687 (HLB), Dkt. No. 24 (Order Granting Debtor’s Motion for Order
18 Extending Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs)
19 (Bankr. N.D. Cal. 2023) (schedules/SOFAs); *In re Lefever Mattson, et al.*, 24-10545 (CN), Dkt No.
20 46 (Order Extending Time to File Schedules of Assets and Liabilities and Statements of Financial
21 Affairs) (Bankr. N.D. Cal. 2024) (schedules, SOFAs and equity security holders); *In re Lefever*
22 *Mattson, et al.*, 24-10545 (CN), Dkt No. 365 (Order Further Extending Time to File Schedules of
23 Assets and Liabilities and Statements of Financial Affairs) (Bankr. N.D. Cal. 2024) (schedules,
24 SOFAs and equity security holders). In light of the facts and circumstances set forth herein, this
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1 Court has and should exercise its authority, consistent with sections 105(a) and 521(a) of the
2 Bankruptcy Code, to grant the requested relief.

3 Collecting the necessary information to prepare the Schedules and Statements requires an
4 enormous expenditure of time and effort on the part of the Debtor. As the Debtor does not have
5 (and historically never had) employees, the entirety of tasks related to preparing the Schedules and
6 Statements has fallen on the proposed financial advisor, with oversight from Ms. Itkin and counsel,
7 all of whom have access to only limited documents (and certainly not what one would consider
8 adequate books and records), and limited knowledge about the Debtor's operations. This Court's
9 grant of time extension to file the Schedules and Statements as requested in this Motion is
10 appropriate in light of the circumstances. While the Debtor, with the assistance of its professional
11 advisors, is working diligently and expeditiously to prepare the Schedules and Statements, the 14-
12 day deadline is not achievable under the circumstances of this chapter 11 case. As a practical matter,
13 the Debtor is unable to properly and accurately complete the Schedules and Statements within the
14 initial statutory period. The complexity of the Debtor's business, coupled with the lack of books
15 and records and the limited time and staff available to the Debtor, necessitate an extension of the
16 Schedules and Statements Deadline. Accordingly, the Debtor submits that ample cause exists to
17 extend the time for filing the Schedules and Statements as requested in the Motion.

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21 **V. THE BAR DATE SHOULD BE TEMPORARILY SUSPENDED**

22 Bankruptcy Local Rule 3003-1 provides that unless otherwise ordered by the Court, and
23 except as provided in Bankruptcy Rule 3003(c)(3), proofs of claim or interest shall be filed pursuant
24 to Bankruptcy Rule 3003 and "shall be filed within 90 days after the first date set for the meeting
25 of creditors called pursuant to 11 U.S.C. § 341(a), unless the claimant is a government unit, in
26 which case a proof of claim or interest shall be filed before 180 days after the date of the order for
27 relief or such later time as the Bankruptcy Rules may provide." B.L.R. 3003-1. The
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1 Nongovernmental Bar Date is automatically generated in the notice of bankruptcy transmitted by
2 the Clerk's office.

3 Here, cause exists to exclude the Nongovernmental Bar Date from the notice of bankruptcy
4 and have such Nongovernmental Bar Date set by separate motion. First, setting a Nongovernmental
5 Bar Date without a custom notice explaining the situation—and how creditors should account for
6 claims they may have already filed in the LeFever Mattson Chapter 11 Cases—could be confusing
7 to parties in interest who have already filed claims or interests with respect to the Debtor in those
8 cases. Second, the Debtor understands that the committee in the LeFever Mattson Chapter 11 Cases
9 intends shortly to file a motion for substantive consolidation, with a preliminary hearing scheduled
10 for July 16, 2025. The Debtor is in no position at this stage to provide an informed response to such
11 a motion, and Ms. Itkin and her professionals should be afforded adequate time to conduct such
12 investigation and take such discovery as they may require to reach a view on its merits. However,
13 the Debtor believes that it would be inefficient and potentially confusing (especially to parties in
14 interest who may already have filed proofs of claim or interest with respect to the Debtor in the
15 LeFever Mattson Chapter 11 Cases) to set an automatic Nongovernmental Bar Date while the
16 substantive consolidation motion is pending. The Debtor should have the flexibility to seek to set
17 a Nongovernmental Bar Date in light of, among other things, the result of the substantive
18 consolidation motion.
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22 **VI. NOTICE**

23 Notice of this Motion will be provided to (i) the United States Trustee; (ii) the parties listed
24 on the Debtor's *List of Creditors Who Have the 30 Largest Unsecured Claims and Are Not Insiders*;
25 and (iii) those persons who have formally appeared in this chapter 11 case and requested service
26 pursuant to Bankruptcy Rule 2002. Based on the urgency of the circumstances surrounding this
27 Motion and the nature of the relief requested herein, the Debtor respectfully submits that no further
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1 notice is required.

2
3 **WHEREFORE**, the Debtor respectfully requests that the Court enter an order, substantially in
4 the form attached hereto as **Exhibit A**, granting the relief requested herein.

5 Dated: June 18, 2025

/s/ Richard L. Wynne

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EXHIBIT A
Proposed Order

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8 *Possession*

9
10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SANTA ROSA DIVISION**

13 In re

Case No. 24-10715 (CN)

14 Chapter 11

15 KS MATTSON PARTNERS, LP,
16 Debtor¹.

**[PROPOSED] ORDER (I) EXTENDING TIME
TO FILE SCHEDULES OF ASSETS AND
LIABILITIES, STATEMENTS OF FINANCIAL
AFFAIRS AND LIST OF EQUITY SECURITY
HOLDERS, AND (II) SUSPENDING THE
NONGOVERNMENTAL BAR DATE**

20 Date: TBD

21 Time: TBD

22 Place: (In Person or Via Zoom)

United States Bankruptcy Court
1300 Clay Street, Courtroom 215
Oakland, CA 94612

27 ¹The last four digits of the Debtor's tax identification number are 5060. The Debtor's mailing address is c/o
28 Stapleton Group, 514 Via de la Valle, Suite 210, Solana Beach, CA 92075.

1 Upon consideration of the *Motion of Debtor for Entry of an Order (I) Extending Time to*
2 *File Schedules of Assets and Liabilities, Statements of Financial Affairs and List of Equity Security*
3 *Holders and (II) Suspending the Nongovernmental Bar Date* (the “Motion”),² filed by the above-
4 captioned debtor and debtor in possession (the “Debtor”) in this Chapter 11 case, pursuant to
5 sections 105(a) and 521(a) of the Bankruptcy Code and Bankruptcy Rules 1007(a)(3) and 1007(c),
6 for entry of an order extending the period to file their schedules of assets and liabilities and
7 statements of financial affairs and list of equity security holders (collectively, the “Schedules and
8 Statements”) to August 8, 2025, to allow the Debtor a total of 60 days after the Relief Date to file
9 its Schedules and Statements without prejudice to the Debtor’ right to request additional time if
10 necessary, all as more fully set forth in the Motion; the Court having reviewed the Motion, and the
11 Bergthold Declaration and the Itkin Declaration and having considered the statements of counsel
12 and the evidence adduced with respect to the Motion at a hearing before the Court (the “Hearing”);
13 and the Court having found that (i) the Court has jurisdiction to consider the Motion and the relief
14 requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and the Order Referring Bankruptcy
15 Cases and Proceedings to Bankruptcy Judges, General Order 24 and Rule 5011-1(a) of the
16 Bankruptcy Local Rules; (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and
17 1409; (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b); and (iv) Notice of the Motion
18 and the Hearing was sufficient under the circumstances; and it appearing that no other or further
19 notice need be provided; and after due deliberation the Court having determined that the relief
20 requested in the Motion is in the best interests of the Debtor, their estates, and their creditors; and
21 upon all of the proceedings had before this Court and after due deliberation and sufficient cause
22 appearing therefor,

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28 ² Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.

1 **IT IS HEREBY ORDERED THAT:**

2 1. The Motion is granted as provided herein.

3 2. The time by which the Debtor shall file its (a) Schedules of Assets and Liabilities,
4 (b) Statement of Financial Affairs, and (c) List of Equity Security Holders is extended to August
5 8, 2025, without prejudice to the Debtor's right to seek further extensions upon showing of cause
6 therefor.
7

8 3. The deadline for nongovernmental creditors to file proofs of claim or interest against
9 the Debtor's estate (the "Nongovernmental Bar Date") that is automatically generated pursuant to
10 B.L.R. 3003-1 is temporarily suspended. The notice of bankruptcy to be issued by the Clerk's
11 office shall not include a deadline for nongovernmental creditors to file a proof of claim or interest.
12

13 4. The Nongovernmental Bar Date shall be set following a motion by the Debtor
14 seeking an order setting a Nongovernmental Bar Date.

15 5. Nothing contained in the Motion or this Order is intended to be or shall be construed
16 as (i) an admission as to the validity of any claim against the Debtor; (ii) a waiver of the Debtor's
17 or any appropriate party in interest's rights to dispute the amount of, basis for, or validity of any
18 claim against the Debtor; (iii) a waiver of any claims or causes of action that may exist against any
19 creditor or interest holder; or (iv) an approval, assumption, adoption, or rejection of any agreement,
20 contract, lease, program, or policy between the Debtor and any third party under section 365 of
21 the Bankruptcy Code.
22

23 6. The Debtor is hereby authorized to take such actions and to execute such documents
24 as may be necessary to implement the relief granted by this Order.

25 7. The Court retains exclusive jurisdiction with respect to all matters arising from or
26 related to the implementation, interpretation, and enforcement of this Order.
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END OF ORDER