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7 *Counsel to the Official Committee*
 8 *of Unsecured Creditors*

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

<p>12 In re: 13 LEFEVER MATTSON, a California corporation, <i>et al.</i>, 14 Debtors.</p>	<p>Case No. 24-10545 (Jointly Administered) Chapter 11</p>
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<p>15 In re: 16 KS MATTSON PARTNERS, LP, 17 Debtor.</p>	<p>Case No. 24-10715 (CN) Chapter 11</p>
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PRELIMINARY REPLY IN SUPPORT
OF MOTION OF THE OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS FOR SUBSTANTIVE
CONSOLIDATION OF DEBTOR
LEFEVER MATTSON AND KS
MATTSON PARTNERS, LP AND FOR
RELATED RELIEF

Preliminary Hearing:

Date: July 25, 2025 at 12:30 p.m.
 Place: Zoom or In Person
 United States Bankruptcy Court
 1300 Clay Street, Courtroom 215
 Oakland, CA 94612
 Judge: Hon. Charles Novack

1 The Official Committee of Unsecured Creditors (the “Committee”) appointed in the chapter
2 11 cases of LeFever Mattson, a California Corporation (“LeFever Mattson”), and its affiliated
3 debtors and debtors in possession (collectively, the “LFM Debtors”) hereby submits this
4 *preliminary* reply in support of its *Motion for Substantive Consolidation of Debtor LeFever*
5 *Mattson and KS Mattson Partners, LP and for Related Relief* [Docket No. 1585] (the “Motion”)
6 and states the following:¹

7 **PRELIMINARY REPLY**

8 As set forth in the Motion, the declaration of Kristen D. Rivera [Docket No. 1716] (the
9 “Rivera Declaration”), the declaration of Thomas P. Jeremiassen [Docket No. 1713] (the
10 “Jeremiassen Declaration” and together with the Rivera Declaration, the “Supporting
11 Declarations”), and the documents attached thereto, immediate substantive consolidation of the
12 estates of KS Mattson Partners, LP (“KSMP”) and LeFever Mattson is warranted. Since filing the
13 Motion, the Committee has presented voluminous evidence in support of substantive consolidation
14 to KSMP and LeFever Mattson – and each independently recognizes that the evidence provides a
15 compelling case for the relief requested in the Motion. Specifically, after these presentations,
16 LeFever Mattson joined [Docket No. 1797] in the Motion and KSMP filed a reply [Docket No.
17 1802] (the “KSMP Reply”) acknowledging the Supporting Declarations provide “strong support for
18 substantive consolidation.”

19 However, in consultation with KSMP and LeFever Mattson, the Committee has agreed to
20 hold the Motion in abeyance pending the filing and prosecution of a joint plan of liquidation (the
21 “Joint Plan”) for the LFM Debtors *and* KSMP that is consistent with the recently filed *Global*
22 *Settlement and Plan Term Sheet* [Docket No. 1724]; *on the condition that*, interim relief, as
23 described herein, is granted to streamline the administration of the chapter 11 cases of the LFM
24 Debtors and KSMP and thereby reduce the overall administrative expenses of these chapter 11

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¹ All relevant pleadings were filed in the chapter 11 cases of LeFever Mattson *and* KS Mattson Partners, LP. For ease of reference, Docket Nos. reflected herein refer to the docket for LeFever Mattson in Case No. 24-10545.

1 cases.² If the interim relief is not granted, the Committee is ready, willing, and able to prosecute
2 Motion on an expedited timeline.

3 **A. The Proposed Order**

4 The Committee's discussions with the LFM Debtors and KSMP have culminated in the
5 form of order attached hereto as Exhibit A (the "Proposed Order"). The Proposed Order (1)
6 provides for the *joint administration* of the chapter 11 case of KSMP with the chapter 11 cases of
7 the LFM Debtors; (2) defers consideration of *substantive* consolidation until confirmation of a plan
8 of liquidation; and (3) provides the Committee the option to set the Motion for hearing if
9 circumstances change. The form of the Proposed Order closely tracks the previously entered joint
10 administration order [Docket No. 168], which is attached hereto for reference as Exhibit B.
11 Moreover, the form of Proposed Order has been shared with the United States Trustee and the
12 Committee understands that the framework of the Proposed Order is acceptable to the United States
13 Trustee. The Committee, LeFever Mattson, and KSMP also have shared the Proposed Order with
14 all parties that have filed Objections (as defined below).

15 The compromise reached among the Committee, the LFM Debtors, and KSMP provides
16 KSMP with an opportunity to further analyze the facts and circumstances of these chapter 11 cases
17 and make an informed decision with respect to pursuing the Joint Plan. However, if KSMP does not
18 elect to pursue the Joint Plan on a timeframe that allows for confirmation of the Joint Plan before
19 the end of the year without undue cost, the Committee will have no choice but to prosecute the
20 Motion as the costs of remaining in chapter 11 are substantial. As discussed above, the Committee
21 maintains that substantive consolidation of LeFever Mattson and KSMP is appropriate, will result
22 in the greatest recovery for creditors and investors, and minimizes overall administrative expenses.
23 However, the Committee is willing to defer the prosecution of the Motion on the condition that the
24 chapter 11 cases of the LFM Debtors and KSMP stay on course to confirmation of a plan by the
25 end of the year.

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28 ² LeFever Mattson and KSMP are affiliates pursuant to section 101(2)(B) of the Bankruptcy Code.

1 **B. Coordinated Analysis of Proofs of Interest in KSMP**

2 The Committee recognizes the need to process and analyze investor claims against KSMP
3 together with claims held against the LFM Debtors – this is essential to facilitating confirmation of
4 the Joint Plan, including determining voting amounts. However, to avoid duplication of effort, the
5 Committee, the LFM Debtors, and KSMP will coordinate regarding the review and analysis of
6 KSMP claims and designate PwC to perform this work. Absent this coordination among the estates,
7 any savings realized by deferring prosecution of the Motion will be lost, as the cost to KSMP of
8 retaining a separate financial advisor to develop the institutional knowledge of PwC will offset any
9 benefit from deferring the decision on substantive consolidation. The Committee, the LFM
10 Debtors, and KSMP are also coordinating with the United States Trustee on an appropriate path
11 forward with respect to the shared resources of PwC.

12 **C. Global Case Mediation**

13 In an effort to streamline the resolution of disputes the Committee, the LFM Debtors, and
14 KSMP foresee in connection with substantive consolidation, plan confirmation, and other case
15 issues and disputes (*e.g.*, objections to secured lender claims), the Committee anticipates filing,
16 within the next two weeks, a joint motion with the LFM Debtors and KSMP requesting that The
17 Honorable Randall Newsome (retired) be appointed as mediator to assist in consensually resolving
18 these anticipated disputes. The proposed mediation process will provide an option for interested
19 creditors to voice their concerns to a neutral third party and seek to resolve any objections or other
20 critical case issues through mediation – avoiding the need for expensive and protracted litigation.

21 **D. Proposed Trial Schedule**

22 In the event the Court does not enter the Proposed Order, the Committee is prepared to
23 move as expeditiously as possible to an evidentiary hearing to avoid undue delay, especially in light
24 of the overwhelming evidence set forth in the Supporting Declarations, the acknowledgement by
25 LeFever Mattson that substantive consolidation is appropriate under the circumstances, and the
26 preliminary view of KSMP that the Committee has presented strong support for substantive
27 consolidation. Specifically, the Committee proposes the following trial schedule to the extent
28 necessary, and subject to the Court’s availability:

Description	Date
Deadline to Exchange Lists of Potential Trial Witnesses	August 1
Deadline to Serve Discovery Requests	August 1
Deadline to Complete Document Productions	August 8
Deadline to Take Depositions	August 15
Deadline to File Supplemental Objections	August 22
Deadline to Exchange Deposition Designations	August 22
Deadline to File Supplemental Replies	August 29
Deadline to File Deposition Designations	August 29
Deadline to File Joint Witness Lists	August 29
Evidentiary Trial	September 9 - 11

E. Preliminary Response to Objections

The Committee received nine objections to the Motion (collectively, the “Objections”). See Docket Nos. 1677, 1754, 1760, 1761, 1763, 1764, 1765, 1767, and 1769. The Objections can generally be categorized into three buckets.

First, the Objections generally argue that the Motion is premature. However, the Rivera Declaration contains a plethora of evidence that the LFM Debtors and KSMP, as discussed above, acknowledge create a compelling case for substantive consolidation. Moreover, the Rivera Declaration is the culmination of *six months* of forensic investigation. No further analysis is required. If the Proposed Order is not entered and the Committee prosecutes the Motion, the Committee is prepared to put on substantial evidence at trial that unequivocally establishes that cause exists to substantively consolidate LeFever Mattson and KSMP. There is no need to wait for KSMP to file schedules of assets and liabilities as KSMP acknowledges that KSMP’s books and records – if any exist – cannot be relied upon. There is also no need to wait for a bar date in the chapter 11 case of KSMP – the evidence presented in the Rivera Declaration and the additional evidence available to the Committee to present at trial overwhelmingly supports the relief requested. As disclosed in the KSMP Reply, KSMP has reviewed documents relied upon by the Committee in support of its Motion, “including the review of approximately *eighty* filed proofs of

1 claim, including the specific examples cited in the Supporting Declarations.” KSMP Reply at 5:19-
2 23 (emphasis added). This analysis is the foundation for KSMP’s conclusion that the Motion and
3 Supporting Declarations establish “a compelling case for substantive consolidation.” *Id.* at 1:19-20.

4 Second, the Objections generally argue that because the Supporting Declarations were filed
5 a week before the deadline to object to the Motion, more time is needed to evaluate the supporting
6 evidentiary record. However, as objecting parties are aware, the hearing on July 25 is a *preliminary*
7 *hearing* to establish a schedule for an *evidentiary trial*. As a result, to the extent the Proposed
8 Order is not entered, any party that desires to continue prosecution of its Objection will have an
9 opportunity to review and evaluate the factual declarations, depose the declarants, and file a
10 supplemental objection – in accordance with the evidentiary trial schedule to be established by the
11 Court.

12 Finally, certain of the Objections fundamentally misunderstand the relief requested or the
13 effect of the relief requested. The Motion is clear that it seeks substantive consolidation of LeFever
14 Mattson and KSMP – it does not seek to substantively consolidate Live Oak Investments, LP with
15 any party and has nothing to do with Live Oak. *See* Docket Nos. 1761 and 1769. In addition,
16 substantive consolidation will *not* impact the rights of holders of fractional title to real property
17 (*i.e.*, tenants in common with KSMP). *See* Docket No. 1764.

18 **Conclusion**

19 The Committee has agreed to defer consideration of the Motion on the condition that the
20 Court enters the Proposed Order, which is designed to establish a framework for the efficient
21 administration of these chapter 11 cases while the Committee, the LFM Debtors, and KSMP
22 prosecute the Joint Plan. However, if the Proposed Order is not acceptable or there is further delay
23 in the prosecution of the Joint Plan, the Committee is ready, willing, and able to prosecute the
24 Motion on the timeline set forth herein or such other timeline as the Court deems appropriate
25 under the circumstances.

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Dated: July 23, 2025

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Jason H. Rosell
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*Counsel to the Official Committee
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EXHIBIT A

Proposed Order

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John D. Fiero (CA Bar No. 136557)
2 Jason H. Rosell (CA Bar No. 269126)
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10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SANTA ROSA DIVISION**

12 In re
13 LEFEVER MATTSON,
14 a California corporation, *et al.*
15 Debtor.

Case No. 24-10545
(Jointly Administered)
Chapter 11

16
17 In re
18 KS MATTSON PARTNERS, LP,
19 Debtor.

Case No. 24-10715 (CN)

20 **STIPULATED BRIDGE ORDER IN CONNECTION WITH THE**
21 **MOTION TO SUBSTANTIVELY CONSOLIDATE THE BANKRUPTCY**
22 **ESTATES OF LEFEVER MATTSON AND KS MATTSON PARTNERS, LP**

23 The Court has read and considered the *Motion of the Official Committee of Unsecured*
24 *Creditors for Substantive Consolidation of Debtor LeFever Mattson and KS Mattson Partners, LP*
25 *and for Related Relief* [Docket No. 1585] (the “Substantive Consolidation Motion”), the
26 declarations filed in connection therewith, and the responses thereto. The Court has been advised
27 by counsel for KS Mattson Partners, LP (“KSMP”), LeFever Mattson (“LeFever Mattson”) and its
28 affiliated debtors (collectively, the “LFM Debtors” and together with KSMP, the “Debtors”), and

1 the Official Committee of Unsecured Creditors of the LFM Debtors (the “Committee”), that the
2 Committee has agreed to defer the Substantive Consolidation Motion pending the consideration
3 of, and voting on, a joint plan of liquidation for the LFM Debtors and KSMP (the “Joint Plan”) on
4 the condition that certain *interim* relief is granted as set forth herein. Accordingly, to facilitate
5 consideration of the Joint Plan, the parties have agreed to jointly administer the related cases, in
6 lieu of substantive consolidation, pursuant to the terms of this order (the “Bridge Order”). The
7 Court having found that notice of the Substantive Consolidation Motion was properly given under
8 the circumstances and that the relief in this Order is part of the relief requested in the Substantive
9 Consolidation Motion; the Court having found that KSMP is an affiliate of LeFever Mattson
10 pursuant to section 101(2)(B) of the Bankruptcy Code; and the Court having determined that good
11 cause exists to grant the relief herein,

12 **IT IS HEREBY ORDERED THAT:**

13 **Continuance of Substantive Consolidation Motion**

14 1. The Substantive Consolidation Motion will be held in abeyance pending the filing
15 and prosecution of the Joint Plan, unless and until the Committee elects to proceed with such
16 motion. In the event the Committee decides to pursue the Substantive Consolidation Motion, the
17 Committee shall file a proposed discovery and trial schedule and set the request for Court approval
18 of the proposed discovery and trial schedule for a status conference on not less than fourteen (14)
19 calendar days’ notice. All parties reserve their right to be heard with respect to the scope, timing,
20 and discovery related to any motion or proposal for the substantive consolidation of KSMP and
21 LeFever Mattson (or any other entity).

22 **Limited Administrative Consolidation**

23 2. The chapter 11 case of KSMP, Case No. 24-10715 (the “KSMP Case”) shall be
24 administratively consolidated with the jointly administered chapter 11 cases of the LFM Debtors,
25 Case No. 24-10545 (CN) (the “Joint Case”), solely for the limited administrative purposes set forth
26 herein.

27 3. The assets and liabilities of KSMP, LeFever Mattson and the other LFM Debtors
28 shall not be consolidated by virtue of this Order.

1 4. Robbin Itkin shall remain in place as the Responsible Person for KSMP on the
2 terms and conditions set forth in this Court’s *Final Order Authorizing Designation of Robbin L.*
3 *Itkin as Responsible Individual Pursuant to B.L.R. 4002-1* [KSMP Docket No. 172].

4 5. KSMP and the LFM Debtors shall continue to retain their own professional
5 advisors at their own expense except with respect to Kurtzman Carson Consultants, LLC dba
6 Verita Global as the claims and noticing agent in the LFM Debtors’ case (the “Claims Agent”) as
7 set forth herein.

8 6. The Clerk of the Court shall maintain one file and one docket for the Debtors’
9 chapter 11 cases, which file and docket shall be the file and docket for the Joint Case. The caption
10 for the Joint Case shall be titled “In re Lefever Mattson, a California corporation, *et al.*, and KS
11 Mattson Partners, LP” but shall be docketed under Case No. 24-10545.

12 7. All pleadings and notices shall be captioned as indicated in the preceding
13 paragraph, and all original docket entries shall be made in the Joint Case. Any matter set for
14 hearing in the KSMP Case shall be deemed set for hearing in the Joint Case and any papers related
15 to such matter shall be filed in the Joint Case. The consolidated caption satisfies the requirements
16 of section 342(c)(1) of the Bankruptcy Code and Bankruptcy Rules 1005 and 2002(n) in all
17 respects.

18 8. An entry shall be made on the docket of the KSMP Case as follows:

19 An order has been entered in this case in accordance with Rule
20 1015(b) of the Federal Rules of Bankruptcy Procedure directing the
21 procedural consolidation and joint administration of KS Mattson
22 Partners, LP and LeFever Mattson, a California corporation, and its
23 affiliate debtors. All further pleadings and other papers shall be filed
24 in, and all further docket entries shall be made in, the docket of
25 LeFever Mattson, a California corporation, Case No. 24-10545, and
26 such docket should be consulted for all matters affecting this chapter
27 11 case.

28 9. Unless otherwise ordered by the Court, the Debtors shall file separate schedules of
assets and liabilities, statements of financial affairs, and periodic operating reports, and each
Debtor will maintain a separate claims register through the Claims Agent. Parties’ rights to request
consolidation of such reports, schedules, statements, or claims registers are preserved.

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Claims Agent

10. The Court’s order [Docket No. 47] authorizing and approving the appointment of the Claims Agent is hereby modified and amended to include KSMP within its definition of Debtors; *provided, however*, the Claims Agent shall separately account for any fees and expenses incurred by the Claims Agent in connection with providing Claims Services (as defined therein) to KSMP or the KSMP Case.

11. The Claims Agent shall consolidate for mailing and service purposes the creditor mailing matrix of KSMP with that of the LFM Debtors.

Reservation of Rights

12. The entry of this Order is without prejudice to any of the Debtors seeking to substantively consolidate any other Debtor or any non-debtor entity, and all parties reserve all rights to be heard with respect to any such requested substantive consolidation.

13. The Court retains jurisdiction with respect to all matters arising under or related to the interpretation or implementation of this Order.

**** END OF ORDER ****

EXHIBIT B

Sample Joint Administration Order [Docket No. 168]



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Signed and Filed: October 17, 2024

DENNIS MONTALI
U.S. Bankruptcy Judge

*Proposed Attorneys for the Debtors and
Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

KELLER BENVENUTTI KIM LLP
425 MARKET STREET, 26TH FLOOR
SAN FRANCISCO, CALIFORNIA 94105

In re:

LEFEVER MATTSON, a California
corporation, *et al.*,¹

Debtors.

Lead Case No. 24-10545 (CN)

(Jointly Administered)

Chapter 11

**ORDER GRANTING MOTION OF
DEBTORS FOR JOINT
ADMINISTRATION AND RELATED
RELIEF REGARDING PINWOOD
CONDOMINIUMS, LP AND
PONDEROSA PINES, LP**

Date: October 15, 2024

Time: 1:30 p.m.

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

¹ The last four digits of LeFever Mattson's tax identification number are 7537. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://veritaglobal.net/LM>. The address for service on the Debtors is 6359 Auburn Blvd., Suite B, Citrus Heights, CA 95621.

1 Upon consideration of the *Motion of Debtors for Joint Administration and Related Relief*
2 *Regarding Pinewood Condominiums, LP and Ponderosa Pines, LP* (the “Motion”),² filed by the
3 above-captioned debtors and debtors in possession (the “Debtors”); the Court having reviewed the
4 Motion and the Sharp Declaration and having considered the statements of counsel and the
5 evidence adduced with respect to the Motion at a hearing before the Court (the “Hearing”); and
6 the Court having found that (i) the Court has jurisdiction to consider the Motion and the relief
7 requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and the *Order Referring Bankruptcy*
8 *Cases and Proceedings to Bankruptcy Judges*, General Order 24 and Rule 5011-1(a) of the
9 Bankruptcy Local Rules for the United States District Court for the Northern District of California
10 (the “Bankruptcy Local Rules”); (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408
11 and 1409; (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b); (iv) notice of the Motion
12 and the Hearing was sufficient under the circumstances; and after due deliberation the Court having
13 determined that the relief requested in the Motion is in the best interests of the Debtors, their
14 estates, and their creditors; and good and sufficient cause having been shown;

15 **IT IS HEREBY ORDERED THAT:**

- 16 1. The Motion is granted.
- 17 2. The chapter 11 cases of the October 2 Debtors shall be jointly administered and
18 consolidated, for procedural purposes only, with the Jointly-Administered Chapter 11 Cases. The
19 Clerk of the Court shall maintain one file and one docket for the chapter 11 cases of the Debtors,
20 which file and docket shall be the file and docket for Debtor LeFever Mattson (the “Main Case”),
21 Case No. 24-10545 (CN).
- 22 3. The caption of the jointly administered cases shall be the current caption of the
23 Jointly-Administered Chapter 11 Cases.
- 24 4. All pleadings and notices shall be captioned as indicated in the preceding
25 paragraph, and all original docket entries shall be made in the case of LeFever Mattson, in
26

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

1 Case No. 24-10545 (CN). The consolidated caption satisfies the requirements of section 342(c)(1)
2 of the Bankruptcy Code and Bankruptcy Rules 1005 and 2002(n) in all respects.

3 5. An entry shall be made on the dockets of the chapter 11 cases of each of the
4 October 2 Debtors, as follows:

5 An order has been entered in this case in accordance with Rule 1015(b) of
6 the Federal Rules of Bankruptcy Procedure directing the procedural
7 consolidation and joint administration of LeFever Mattson and its affiliate
8 debtors. All further pleadings and other papers shall be filed in, and all
9 further docket entries shall be made in, the docket of LeFever Matton, Case
10 No. 24-10545, and such docket should be consulted for all matters
11 affecting this chapter 11 case.

12 6. Unless otherwise ordered by the Court, the Debtors shall file separate schedules of
13 assets and liabilities, statements of financial affairs, and periodic operating reports, and each
14 Debtor will maintain a separate claims register through the Claims Agent. The Debtors' rights to
15 request consolidation of such reports, schedules, statements, or claims registers are preserved.

16 7. The Claims Agent shall consolidate the mailing matrices of the October 2 Debtors
17 with the Master Creditor Matrix of the Debtors.

18 8. The time by which the October 2 Debtors shall file their (a) Schedules of Assets
19 and Liabilities, (b) Statements of Financial Affairs, and (c) List of Equity Security Holders is
20 extended to October 28, 2024, without prejudice to the October 2 Debtors' right to seek further
21 extensions upon showing of cause therefor.

22 9. Bradley D. Sharp is appointed as the Responsible Individual for the October 2
23 Debtors during their chapter 11 cases pursuant to Bankruptcy Local Rule 4002-1.

24 10. Mr. Sharp's contact information is:

25 Bradley D. Sharp
26 President & CEO
27 DSI Consulting
28 333 South Grand Avenue, Suite 4100
Los Angeles, CA 90071
Phone: (213) 617-2717

11. The deadline for non-governmental unit creditors to file proofs of claim against the
Debtors' estates (the "Bar Date") is temporarily suspended.

