

**FILED**  
**SEP 09 2025** *RA*

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

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4  
5 IN THE UNITED STATES BANKRUPTCY COURT  
6  
7 NORTHERN DISTRICT OF CALIFORNIA

8 DEBTORS: LEFEVER MATTSON, A  
9 CALIFORNIA CORPORATION, AND  
10 AFFILIATES

Case No.: 24-10545, et al. (Jointly  
Administered)

**BRIEF IN OPPOSITION OF  
AUTOMATIC STAY OF ADA CLAIM:**

11 ORIGINALLY FILED: SEPT. 12, 2024

12 HEARING DATE: SEPT. <sup>12</sup>~~26~~, 2025

13 HEARING TIME: 10:00AM

14 HEARING LOCATION: ROOM 215

15 MOVANT: MARK BAKER

JUDGE: CHARLES NOVACK

16  
17 **BRIEF IN OPPOSITION TO STAY OF AMERICANS WITH DISABILITIES ACT**  
18 **CLAIM**

19 1. At the request of the Court, the Movant respectfully submits this brief in opposition to  
20 Debtor RT Golden Hill's NOTICE OF STAY OF PROCEEDINGS which was filed with  
21 Solano County Superior Court on July 17, 2025 (Exhibit A), and in support of declaratory  
22 relief from this Court, finding that the Movant's Americans with Disabilities Act  
23 ("ADA") claim filed in Solano County Superior Court is not automatically stayed by the  
bankruptcy case.

**BRIEF IN OPPOSITION OF AUTOMATIC STAY OF ADA CLAIM - 1**



1  
2 **STATEMENT OF THE ISSUE**

- 3 2. Whether an ADA discrimination claim based on conduct occurring after the  
4 commencement of a bankruptcy case is subject to the automatic stay provisions of 11  
5 U.S.C. § 362.  
6

7 **ARGUMENT**

8 **I. THE AUTOMATIC STAY DOES NOT APPLY TO POST-PETITION CONDUCT**

- 9 3. 11 U.S.C. § 362(a) states, “Except as provided in subsection (b) of this section, a petition  
10 filed under section 301, 302, or 303 of this title, or an application filed under section  
11 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to  
12 all entities, of—”. Each bullet item will be analyzed below.

- 13 4. Item (1) – “the commencement or continuation, including the issuance or employment of  
14 process, of a judicial, administrative, or other action or proceeding against the debtor that  
15 was or could have been commenced before the commencement of the case under this  
16 title, or to recover a claim against the debtor that arose before the commencement of the  
17 case under this title;”

- 18 5. Analysis of Item (1) – The initiation of the bankruptcy proceeding was on September 12,  
19 2024. The Movant first encountered the blue LED light discriminatory barrier on May 8,  
20 2025. Therefore, the Movant’s action against the Debtor could not have commenced  
21 before the initiation of the bankruptcy proceeding on September 12, 2024. None of the  
22 Movant’s ADA claims arose prior to the initiation of the bankruptcy proceedings, and  
23 therefore Item (1) does not authorize an automatic stay of the ADA claim.

**BRIEF IN OPPOSITION OF AUTOMATIC STAY OF ADA CLAIM - 2**

- 1 6. Item (2) – “the enforcement, against the debtor or against property of the estate, of a  
2 judgment obtained before the commencement of the case under this title;”
- 3 7. Analysis of Item (2) – There was no judgment related to the ADA claim that was  
4 obtained prior to the initiation of the bankruptcy proceeding, and therefore Item (2) does  
5 not authorize an automatic stay of the ADA claim.
- 6 8. Item (3) – “any act to obtain possession of property of the estate or of property from the  
7 estate or to exercise control over property of the estate;”
- 8 9. Analysis of Item (3) – There was no act to obtain possession of property, and therefore  
9 Item (3) does not authorize an automatic stay of the ADA claim.
- 10 10. Item (4) – “any act to create, perfect, or enforce any lien against property of the estate;”
- 11 11. Analysis of Item (4) – There was no action related to a lien, and therefore Item (4) does  
12 not authorize an automatic stay of the ADA claim.
- 13 12. Item (5) – “any act to create, perfect, or enforce against property of the debtor any lien to  
14 the extent that such lien secures a claim that arose before the commencement of the case  
15 under this title;”
- 16 13. Analysis of Item (5) – There was no action related to a lien, and therefore Item (5) does  
17 not authorize an automatic stay of the ADA claim.
- 18 14. Item (6) – “any act to collect, assess, or recover a claim against the debtor that arose  
19 before the commencement of the case under this title;”
- 20 15. Analysis of Item (6) – There was no attempt to collect a claim against the debtor that  
21 arose before the initiation of the bankruptcy proceeding, and therefore Item (6) does not  
22 authorize an automatic stay of the ADA claim.  
23

**BRIEF IN OPPOSITION OF AUTOMATIC STAY OF ADA CLAIM - 3**

1 16. Item (7) – “the setoff of any debt owing to the debtor that arose before the  
2 commencement of the case under this title against any claim against the debtor;”

3 17. Analysis of Item (7) – There is no action related to a debt that arose prior to the initiation  
4 of the bankruptcy proceeding, and therefore Item (7) does not authorize an automatic stay  
5 of the ADA claim.

6 18. Item (8) – “the commencement or continuation of a proceeding before the United States  
7 Tax Court concerning a tax liability of a debtor that is a corporation for a taxable period  
8 the bankruptcy court may determine or concerning the tax liability of a debtor who is an  
9 individual for a taxable period ending before the date of the order for relief under this  
10 title.”

11 19. Analysis of Item (8) – There is no action related to a tax liability, and therefore Item (8)  
12 does not authorize an automatic stay of the ADA claim.

13 20. After the exhaustive analysis of each item of 11 U.S.C. § 362(a), it is evident that there is  
14 no automatic stay of the Movant’s ADA claim.  
15

## 16 **II. AN ADA CLAIM IS EXEMPT FROM AN AUTOMATIC STAY**

17 21. However, 11 U.S.C. § 362(b)(4) states, “The filing of a petition under section 301, 302,  
18 or 303 of this title, or of an application under section 5(a)(3) of the Securities Investor  
19 Protection Act of 1970, does not operate as a stay— under paragraph (1), (2), (3), or (6)  
20 of subsection (a) of this section, of the commencement or continuation of an action or  
21 proceeding by a **governmental unit** or any organization exercising authority under the  
22 Convention on the Prohibition of the Development, Production, Stockpiling and Use of  
23 Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993,

1 to enforce such governmental unit's or organization's police and regulatory power,  
2 including the enforcement of a judgment other than a money judgment, obtained in an  
3 action or proceeding by the governmental unit to enforce such governmental unit's or  
4 organization's police or regulatory power;" [emphasis added].

5 22. Thus, 11 U.S.C. § 362(b)(4) explicitly establishes that the "commencement or  
6 continuation of an action or proceeding by a governmental unit" does not act as a stay.  
7 The Americans with Disabilities Act was specifically designed to authorize the individual  
8 to act as the enforcement arm of a governmental unit for ADA cases, and thus the  
9 Movant is deputized as a private attorney general under the Private Attorney General  
10 Doctrine to enforce federal policy.

11 23. The ADA, under 42 U.S. Code § 12188 – Enforcement, states, "(a)(1) Availability of  
12 remedies and procedures - The remedies and procedures set forth in section 2000a-3(a)  
13 of this title are the remedies and procedures this subchapter provides to **any person** who  
14 is being subjected to discrimination on the basis of disability in violation of this  
15 subchapter or who has reasonable grounds for believing that such person is about to be  
16 subjected to discrimination in violation of section 12183 of this title. Nothing in this  
17 section shall require a person with a disability to engage in a futile gesture if such person  
18 has actual notice that a person or organization covered by this subchapter does not intend  
19 to comply with its provisions." [emphasis added].

20 24. Therefore, because Congress has bestowed government police powers on the individual  
21 to allow the individual to enforce ADA claims as a mechanism to relieve the US of the  
22 burden of enforcement, then under 11 U.S.C. § 362(b)(4), any ADA claim is explicitly  
23 not stayed.

1  
2 **III. IMPROPER NOTICE OF STAY FILED WITH THE SUPERIOR COURT**

3 25. On July 17, 2025, the Debtor file a NOTICE OF STAY with the Solano County Superior  
4 Court. As provided in the analysis above, the filing of this NOTICE OF STAY was  
5 improper. In the filing, the Debtor claimed to the Solano County Superior Court that the  
6 ADA case was automatically stayed, which is untrue.  
7

8 **IV. FIRST THREATENING LETTER FROM DEBTOR**

9 26. Rather than direct LVT to turn off the discriminatory blue LED lights, the Debtor sent a  
10 threatening letter to the Movant on June 16, 2025.

11 27. The Movant stated, "Please be advised that, pursuant to section 362(a) of the Bankruptcy  
12 Code (the "Automatic Stay"), the filing of a bankruptcy petition 'operates as a stay,  
13 applicable to all entities,' of, among other things, 'the commencement or continuation,  
14 including the issuance or employment of process, of a judicial, administrative, or other  
15 action or proceeding against the debtor that was or could have been commenced before  
16 the commencement of the case under [the Bankruptcy Code], or to recover a claim  
17 against the debtor that arose before the commencement of the [bankruptcy] case.' 11  
18 U.S.C. § 362(a)(1)." The Debtor also wrote, "The Debtors reserve all rights to seek  
19 appropriate relief in the Bankruptcy Court, including but not limited to seeking an  
20 injunction or monetary sanctions for violations."

21 28. These threats were not ignored by the Movant and caused Movant to research and attempt  
22 to locate a mechanism for having the discriminatory barrier removed while considering  
23

1 the Debtor's threats. In the end, however, the Movant determined that the only available  
2 mechanism for relief from the blue LED lights was via lawsuit.  
3

#### 4 **V. SECOND THREATENING LETTER FROM DEBTOR**

5 29. After being served a summons for the ADA discrimination case, the Debtor sent a second  
6 threatening letter on July 16, 2025.

7 30. The second letter stated, "The filing of the Complaint, without first obtaining relief from  
8 the Bankruptcy Court, constitutes a clear violation of the automatic stay and contempt of  
9 court, as you acknowledge having received the June Letter with notice of the above-  
10 referenced bankruptcy cases in the Complaint." And "Civil contempt sanctions may  
11 include reasonable attorneys' fees incurred in the process of voiding a violation of the  
12 Automatic Stay."

13 31. The concept of first seeking and obtaining relief from the Bankruptcy Court was an  
14 entirely new concept to the Movant, and thus, acting on the information provided by the  
15 Debtor, the Movant filed the MOTION FOR RELIEF FROM AUTOMATIC STAY that  
16 was supposedly required by the Bankruptcy Court.  
17

#### 18 **VI. ADMISSION OF DISCRIMINATORY BARRIER**

19 32. On August 20, 2025, the Debtor filed DEBTORS' PRELIMINARY OPPOSITION TO  
20 MOTION FOR RELIEF FROM THE AUTOMATIC STAY. In this Opposition, the  
21 Movant learned for the first time that the Debtor had written a letter to LVT on August 1,  
22 2025, directing LVT to turn off the discriminatory blue LED lights. (Exhibit B).  
23

1 33. In the August 1, 2025, email to LVT, the Debtor explicitly acknowledges that the LVT  
2 system creates a discriminatory barrier by writing, "This unit violates ADA law and a  
3 lawsuit has been served."

4 34. On August 21, 2025, the Movant made a site visit to the shopping center and confirmed  
5 that not only had the blue LED lights been turned off, but that the entire LVT system had  
6 been removed.

7 35. Thus, with the acknowledgement that RT Golden Hills directed LVT to turn off the blue  
8 LED lights, the constitution of the ADA discrimination case changed in several ways.  
9 First, RT Golden Hills has acknowledged in writing that there was a discriminatory  
10 barrier and that RT Golden Hills failed to take any action to have the discriminatory  
11 barrier removed prior to the discrimination lawsuit. Therefore, the Plaintiff is now very  
12 likely to succeed on the merits of the discrimination case.

13 36. Second, because the injunctive relief sought by the Plaintiff has already been achieved as  
14 a result of the lawsuit, the only remaining issue is the statutory damage award under the  
15 California Unruh Civil Rights Act Section 52. Thus, the ADA case has transitioned from  
16 a request for injunctive relief to a request for damages. These damages are awardable  
17 under 11 U.S. Code § 503(b)(1)(A)(ii) as "benefits awarded pursuant to a judicial  
18 proceeding...as a result of a violation of Federal or State law by the debtor".  
19

## 20 **VII. NO THREAT TO BANKRUPTCY ESTATE**

21 37. It is difficult to understand the Debtor's strategy. Rather than having a property manager  
22 take 5 minutes to send an email to LVT to turn off the blue LED lights, the Debtor chose  
23 to have their legal team send threatening letters to the Movant and engage in litigation.

## **BRIEF IN OPPOSITION OF AUTOMATIC STAY OF ADA CLAIM - 8**



1 38. The Debtor falsely claimed that the Movant was subject to an automatic stay due to the  
2 bankruptcy case, which caused the Movant to file the motion for relief from automatic  
3 stay with the bankruptcy court, which in turn resulted in the Court directing the parties to  
4 file this Brief.

5 39. As a result of the Movant's ADA discrimination lawsuit, RT Golden Hills belatedly  
6 directed the property manager to send the letter to LVT, directing LVT to turn off the  
7 blue LED lights. The property manager also acknowledged that the LVT system violates  
8 the ADA. The ADA discrimination lawsuit was therefore necessary and successful.

9 40. As shown in the above paragraphs, there is no automatic stay for the ADA discrimination  
10 case, and there was no need for the Movant to submit a motion for relief from automatic  
11 stay, and it was improper for the Debtor to have filed the notice of automatic stay with  
12 the Solano County Superior Court. Thus, a finding by this Court that the ADA  
13 discrimination case is not subject to automatic stay will not produce any new threat to the  
14 bankruptcy proceedings.

15  
16 **VII. CONCLUSION**

17 41. For the foregoing reasons, Movant respectfully requests that the Court grant the  
18 following declaratory relief: Declaring that the ADA discrimination case, CU25-06372, is  
19 not subject to an automatic stay in the bankruptcy case 24-10545.

20  
21 Dated: August 28, 2025

22  
23 

Respectfully Submitted,

By: /s/ Mark Baker  
In Pro Per

**BRIEF IN OPPOSITION OF AUTOMATIC STAY OF ADA CLAIM - 9**

# Exhibit A

CM-180

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Tyler Davis (CA Bar No. 338117) Keller Benvenuti Kim LLP 101 Montgomery Street, Ste 1950 San Francisco, CA 94104  TELEPHONE NO.: (415) 496-6723 FAX NO. (Optional): E-MAIL ADDRESS (Optional): tdavis@kbbkllp.com ATTORNEY FOR (Name): RT Golden Hills, LP	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 580 Texas Street MAILING ADDRESS: CITY AND ZIP CODE: Fairfield, 94533 BRANCH NAME: Old Solano Courthouse	
PLAINTIFF/PETITIONER: Mark Baker DEFENDANT/RESPONDENT: RT Golden Hills, LP	
NOTICE OF STAY OF PROCEEDINGS	CASE NUMBER: CU25-06372
	JUDGE: Hon. Wendy Getty DEPT.: 8

**To the court and to all parties:**

1. Declarant (name): Tyler Davis
  - a. ☒ is ☐ the party ☒ the attorney for the party who requested or caused the stay.
  - b. ☐ is ☐ the plaintiff or petitioner ☐ the attorney for the plaintiff or petitioner. The party who requested the stay has not appeared in this case or is not subject to the jurisdiction of this court.
2. This case is stayed as follows:
  - a. ☐ With regard to all parties.
  - b. ☒ With regard to the following parties (specify by name and party designation): RT Golden Hills, LP
3. Reason for the stay:
  - a. ☒ Automatic stay caused by a filing in another court. (Attach a copy of the Notice of Commencement of Case, the bankruptcy petition, or other document showing that the stay is in effect, and showing the court, case number, debtor, and petitioners.)
  - b. ☐ Order of a federal court or of a higher California court. (Attach a copy of the court order.)
  - c. ☐ Contractual arbitration under Code of Civil Procedure section 1281.4. (Attach a copy of the order directing arbitration.)
  - d. ☐ Arbitration of attorney fees and costs under Business and Professions Code section 6201. (Attach a copy of the client's request for arbitration showing filing and service.)
  - e. ☐ Other:

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

Date: July 17, 2025

Tyler Davis

(TYPE OR PRINT NAME OF DECLARANT)

  
 (SIGNATURE)

**Information to identify the case:**

Debtors LeFever Mattson, a California corporation, and affiliates EIN: 68-0197537 See **Exhibit 1** for the other affiliated Debtors' EINs.  
 Name  
 United States Bankruptcy Court California Northern Bankruptcy Court Date case filed for chapter: 11 9/12/24  
 Case number: **24-10545, et al. (Jointly Administered)**

**Official Form 309F1 (For Corporations or Partnerships)****Notice of Chapter 11 Bankruptcy Case**

10/20

For the debtors listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtors' full names	LeFever Mattson, a California corporation, and affiliated Debtors listed on <b>Exhibit 1</b> attached hereto.	
2. All other names used in the last 8 years		
3. Address	6359 Auburn Blvd. Suite B Citrus Heights, CA 95621	
4. Debtor's attorney Name and address	Thomas B. Rupp Keller Benvenuti Kim LLP 425 Market Street, 26th Floor San Francisco, CA 94105	Contact phone 415-496-6723
5. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case online at <a href="https://pacer.uscourts.gov">https://pacer.uscourts.gov</a> .	Mailing Address: U.S. Bankruptcy Court 1300 Clay Street, Suite 300 Oakland, CA 94612	Hours open: Monday – Friday 9:00 am to 4:30 pm  Contact phone (888) 821-7606  Date: 9/25/24
6. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	October 21, 2024 at 10:00 AM  The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Location:  Teleconference, Call in number/URL: 1-888-455-8838, Passcode: 4169593
<b>Important Notice to Individual Debtors:</b> The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors. Failure to Appear May Result in the Dismissal of the Case without further notice. A request for a continuance or to be excused from appearing must be made in writing at least 7 days before the meeting, timely filed with the court at the address above in box 5.		

For more information, see page 2

<p><b>7. Proof of claim deadline</b></p> <p>For a bankruptcy case pending in the Northern District of California, a Proof of Claim may be filed electronically online at <a href="http://www.canb.uscourts.gov">www.canb.uscourts.gov</a> In the Quick Links section, click on "File an Electronic Proof of Claim."</p>	<p><b>Deadline for filing proof of claim:</b> 1/10/25</p> <p><b>For all creditors (except a governmental unit):</b> **Unless the Court orders otherwise, in which case creditors will receive a further notice.</p> <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at <a href="http://www.uscourts.gov">www.uscourts.gov</a> or any bankruptcy clerk's office.</p> <p>Your claim will be allowed in the amount scheduled unless:</p> <ul style="list-style-type: none"> <li>• your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>;</li> <li>• you file a proof of claim in a different amount; or</li> <li>• you receive another notice.</li> </ul> <p>If your claim is not scheduled or if your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.</p> <p>You may review the schedules at the bankruptcy clerk's office or online at <a href="https://pacer.uscourts.gov">https://pacer.uscourts.gov</a>.</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p>
<p><b>8. Exception to discharge deadline</b></p> <p>The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.</p>	<p>If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.</p> <p><b>Deadline for filing the complaint:</b> 12/20/24</p>
<p><b>9. Creditors with a foreign address</b></p>	<p>If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>
<p><b>10. Filing a Chapter 11 bankruptcy case</b></p>	<p>Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.</p>
<p><b>11. Discharge of debts</b></p>	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.</p>

**Exhibit 1 to Notice of Chapter 11 Bankruptcy Case**

<b><u>Debtor Name</u></b>	<b><u>EIN</u></b>
LeFever Mattson, a California corporation	68-0197537
California Investment Properties, a California corporation	30-0289474
Home Tax Service of America, Inc., dba LeFever Mattson Property Management	68-0262554
Apan Partners LLC	N/A
Autumn Wood I, LP	20-0164208
Bay Tree, LP	82-1071378
Beach Pine, LP	83-2643272
Bishop Pine, LP	83-2643038
Black Walnut, LP	47-2451858
Buck Avenue Apartments, LP	54-2090323
Buckeye Tree, LP	88-2980108
Bur Oak, LP	87-4699497
Butcher Road Partners, LLC	45-5159521
Cambria Pine, LP	83-2644771
Chestnut Oak, LP	87-4702239
Country Oaks I, LP	26-0860694
Divi Divi Tree, L.P.	71-0926806
Douglas Fir Investments, LP	47-4674444
Firetree I, LP	82-3519393
Firetree II, LP	82-3519554
Firetree III, LP	82-3919655
Foxtail Pine, LP	83-2643197
Ginko Tree, LP	88-2960976
Golden Tree, LP	82-1060045

<u>Debtor Name</u>	<u>EIN</u>
Hagar Properties, LP	04-3598044
Heacock Park Apartments, LP	46-3737509
LeFever Mattson I, LLC	47-4960075
Live Oak Investments, LP	47-3786181
Monterey Pine, LP	83-2644824
Napa Elm, LP	54-2090332
Nut Pine, LP	83-2661795
Pinecone, LP	84-2395880
Redbud Tree, LP	88-2961999
Red Cedar Tree, LP	88-3572519
Red Mulberry Tree, LP	88-3572594
Red Oak, LP	61-2022650
Red Oak Tree, LP	92-1008382
Red Spruce Tree, LP	92-0780568
River Birch, LP	86-3020630
River Tree Partners, LP	81-3671554
River View Shopping Center 1, LLC	47-4186147
River View Shopping Center 2, LLC	47-4186476
RT Capitol Mall, LP	81-3775896
RT Golden Hills, LP	81-3708073
Scotch Pine, LP	86-3043628
Sequoia Investment Properties, LP	32-0136044
Sienna Pointe, LLC	47-4712579
Spruce Pine, LP	84-2396399
Tradewinds Apartments, LP	54-2090326
Vaca Villa Apartments, LP	54-2090327
Valley Oak Investments, LP	47-3383417
Watertree I, LP	82-3519819

<u>Debtor Name</u>	<u>EIN</u>
Willow Oak, LP	87-4700495
<i>Windscape Apartments, LLC<sup>1</sup></i>	<i>83-1597353</i>
Windscape Apartments I, LP	26-0860477
Windscape Apartments II, LP	26-0860509
Windscape Holdings, LLC	83-1608759
Windtree, LP	82-4974654
Yellow Poplar, LP	86-3043392

<sup>1</sup> The Chapter 11 case of Windscape Apartments, LLC was filed on August 6, 2024. A separate Notice of Chapter 11 Bankruptcy Case was filed in that case (Case No. 24-10417) at Docket No. 10 and served on creditors of Windscape Apartments, LLC only. **That notice contains separate dates, deadlines, and other information that does not apply to the other Debtors listed herein.**



# Exhibit B

Docket #2064 Date Filed: 08/20/2025

**KELLER BENVENUTTI KIM LLP**  
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*Attorneys for the Debtors and  
Debtors in Possession*

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

In re:

LEFEVER MATTSON, a California  
corporation, *et al.*,<sup>1</sup>

Debtors.

In re

KS MATTSON PARTNERS, LP,

Debtor.

Lead Case No. 24-10545 (CN)

(Jointly Administered)

Chapter 11

**DEBTORS' PRELIMINARY  
OPPOSITION TO MOTION FOR  
RELIEF FROM THE AUTOMATIC  
STAY**

[Dkt. No. 1938]

**Date:** August 22, 2025

**Time:** 11:00 a.m.

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

<sup>1</sup> The last four digits of LeFever Mattson's tax identification number are 7537. The last four digits of the tax identification number for KS Mattson Partners, LP ("KSMP") are 5060. KSMP's address for service is c/o Stapleton Group, 514 Via de la Valle, Solana Beach, CA 92075. The address for service on LeFever Mattson and all other Debtors is 6359 Auburn Blvd., Suite B, Citrus Heights, CA 9562. 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>.





LeFever Mattson, a California corporation ("LeFever Mattson"), and certain of its affiliates that are debtors and debtors in possession (the "Debtors")<sup>1</sup> in the above-captioned chapter 11 cases (the "Chapter 11 Cases"), hereby submit this preliminary opposition (the "Opposition") to the *Notice of Motion and Motion for Relief from the Automatic Stay* [Dkt. No. 1938] (the "Motion") filed by Mark Baker. In support of the Motion, the Debtors refer to the *Declaration of Gabrielle L. Albert in Support of Debtors' Preliminary Opposition to Motion for Relief from the Automatic Stay* (the "Albert Declaration") filed concurrently herewith.

**I. BACKGROUND**

Mr. Baker seeks relief from the automatic stay in order to continue litigation he commenced against Debtor RT Golden Hills, LP ("Golden Hills") on July 10, 2025, in Solano County Superior Court, as case number CU25-06372 (the "State Court Litigation"). In the State Court Litigation, Mr. Baker makes various claims against Golden Hills and other named defendants under the Americans with Disabilities Act (the "ADA") and California Unruh Civil Rights Act (the "Unruh Act") related to the operation of a video surveillance system at The Shops at Golden Hills shopping center ("The Shops") in Vacaville, California which is owned by Golden Hills.

One of the tenants at The Shops, Jack in the Box, installed a security camera in the parking lot that uses "high-intensity blue LED lights" which Mr. Baker alleges caused him harm. In addition to Golden Hills, Mr. Baker has filed lawsuits against Jack in the Box, Inc. ("Jack in the Box"), the Jack in the Box franchisee, Gogris Corporation, and the maker of the security camera, Liveview Technologies, Inc. ("LVT"). Prior to filing the complaints, Mr. Baker contacted each of the defendants threatening to sue them and offering to settle with them in exchange for a payment of \$4,000. Albert Decl. ¶ 3, Ex. A.

On June 16, 2025, after receiving notice from Mr. Baker of his intent to commence the State Court Litigation, the Debtors' counsel sent Mr. Baker a letter via email advising him of the automatic stay in effect in the Chapter 11 Cases. Albert Decl. ¶ 4, Exs. A-B. When the Debtors learned that Mr. Baker had ignored their notice and filed the State Court Litigation, their counsel

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<sup>1</sup> Unless otherwise indicated, "Debtors" as used herein excludes KS Mattson Partners, LP.

1 sent a second letter to Mr. Baker on July 16, 2025, providing notice of his violation of the automatic  
2 stay and demanding that he withdraw the State Court Litigation as against Golden Hills. Albert  
3 Decl. ¶ 5, Exs. C-D. Golden Hills also filed a notice of stay of proceedings in the State Court  
4 Litigation on July 17, 2025. Albert Decl. ¶ 8, Ex. G. Thereafter, Mr. Baker acknowledged that  
5 relief from stay was required to continue the State Court Litigation and filed this Motion. Albert  
6 Decl. ¶ 6, Ex. E.

7 Despite the foregoing, Mr. Baker continues to knowingly violate the automatic stay by  
8 repeatedly making demands for payment from the Debtors and threatening increased damages and  
9 prolonged litigation, even though, at the Debtors' request, the blue LED lights have been turned  
10 off and removed from The Shops. See Albert Decl. ¶¶ 7, 9-11, Exs. F, H-I. As a result of Mr.  
11 Baker starting the State Court Litigation and making repeated payment demands after being  
12 notified of the bankruptcy filing and the imposition of the stay, the Debtors' estate has been forced  
13 to incur legal fees and expenses asserting their rights and defending against this Motion.

14 Accordingly, the Debtors respectfully request that the Court deny the Motion.

15 **II. ARGUMENT**

16 The Motion asserts that relief is warranted under section 362(d) of the Bankruptcy Code<sup>2</sup>  
17 on the grounds that the claims in the State Court Litigation are nondischargeable in nature and can  
18 be most expeditiously resolved in the nonbankruptcy forum. However, Mr. Baker has failed to  
19 provide any support for his assertion that his State Court Litigation claims under the ADA or Unruh  
20 Act are nondischargeable. And they are not. Such claims do not fall within one of the 20  
21 enumerated nondischargeable actions described in section 523 of the Bankruptcy Code and,  
22 therefore, relief from the automatic stay cannot be granted on the grounds that the State Court  
23 Litigation involves nondischargeable claims. See 11 U.S.C. § 523(a). Even if Mr. Baker's claims  
24 fell within one of the enumerated section 523 exceptions to discharge, those exceptions only apply  
25 to "individual debtors," not to corporations and partnerships, like the Debtors. See 11 U.S.C. §  
26 523(a); *Lafferty v. Off-Spec Sols., LLC (In re Off-Spec Sols., LLC)*, 651, B.R. 862, 867 (B.A.P. 9th

27  
28 <sup>2</sup> 11 U.S.C § 101 *et seq.*



1 Cir. 2023); *In re Rtech Fabrications, LLC*, 635 B.R. 559, 566 (Bankr. D. Idaho 2021); *Glatzel v.*  
2 *Gordon's Music & Sound, Inc. (In re Gordon's Music & Sound, Inc.)*, Nos. 11-28452-E-11, 11-  
3 2483, 2012 Bankr. LEXIS 6133, at \*2 (Bankr. E.D. Cal. Oct. 12, 2012). Moreover, the Debtors,  
4 as stated in the *Global Settlement and Plan Term Sheet* filed on July 14, 2025 [Dkt. No. 1724], are  
5 not seeking a discharge in these Chapter 11 Cases, rendering Mr. Baker's position not only  
6 incorrect but also irrelevant.

7 Further, the Bankruptcy Code prohibits the commencement of any actions against the  
8 Debtors that arose before the commencement of the Chapter 11 Cases, and there is no exception  
9 made for actions brought by a private individual alleging noncompliance with government  
10 regulations, such as the ADA or Unruh Act. *See* 11 U.S.C. § 362(a)-(b). Although section  
11 362(b)(4) of the Bankruptcy Code does except from the automatic stay actions by a government  
12 unit to enforce its police and regulatory power, “[c]ourts have consistently held that the automatic  
13 stay applies to [*qui tam* actions], at least when the government has not intervened, because they do  
14 not fall within the governmental unit exception.” *Porter v. Nabors Drilling USA, L.P.*, 854 F.3d  
15 1057, 1062 (9th Cir. 2017) (identifying a claim asserted under California's Private Attorney  
16 General Act of 2004 as a *qui tam* action—an action in which a private citizen is authorized to sue  
17 on behalf of the government—and holding that such an action is not excepted from the automatic  
18 stay). Here, Mr. Baker's State Court Litigation claims are based on the government regulations of  
19 the ADA and Unruh Act; however, the government has not intervened with respect to Mr. Baker's  
20 claims and, therefore, such claims are not excepted from the automatic stay.

21 Finally, providing Mr. Baker with relief from stay to pursue the State Court Litigation  
22 would distract and delay the Debtors from their current focus of proposing a confirmable plan and  
23 the costs of litigation would drain the Debtors' assets available to the greater creditor and investor  
24 body. The automatic stay serves to assure creditors that a debtor's other creditors are not racing  
25 to various courthouses to pursue independent remedies that deplete the debtor's assets and to afford  
26 the debtor time to propose a reorganization plan. *Gruntz v. County of Los Angeles (In re Gruntz)*,  
27 202 F.3d 1074, 1081 (9th Cir. 2000). Mr. Baker has not asserted any grounds for a different result  
28 here. Further, the blue LED lights that are the basis of Mr. Baker's claims have been turned off

1 and are no longer causing the harm alleged in the State Court Litigation. Mr. Baker failed to meet  
2 his burden of establishing cause for relief from the automatic stay. Therefore, Mr. Baker's Motion  
3 should be denied, and he should instead be required to dismiss the State Court Litigation as it was  
4 filed in a willful violation of the automatic stay.

5 Further, the Debtors intend to pursue sanctions against Mr. Baker for filing the State Court  
6 Litigation after having received notice from the Debtors of the automatic stay and for continuing  
7 to make payment demands while his Motion is pending before the Court.

8 **III. CONCLUSION**

9 For the foregoing reasons, the Debtors respectfully request that the Court deny the Motion.

10  
11 Dated: August 20, 2025

**KELLER BENVENUTTI KIM LLP**

12  
13 By: /s/ Gabrielle L. Albert

14 Gabrielle L. Albert

15 *Attorneys for the Debtors and Debtors in*  
16 *Possession*  
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**PROOF OF SERVICE**

**LeFever Mattson: Debtor - Mark Baker: Movant  
U.S. Bankruptcy Court – Northern District of California  
Case Number: 24-10545**

Electronic Service in accordance with California Code of Civil Procedure Section §  
1010.6.

At the time of service, I was over 18 years of age. My residence or business address is  
1520 E. Covell Drive Suite 5 - 467, Davis, CA 95616.

On August 29, 2025, I electronically served a true copy of the following documents  
described as:

**1. BRIEF IN OPPOSITION OF AUTOMATIC STAY OF ADA CLAIM**

on the parties in this action as follows:

Gabriel Albert, Senior Counsel  
Keller Benvenuti Kim  
Representing: RT Golden Hills  
101 Montgomery Street Suite 1950  
San Francisco, CA 94104  
galbert@kbklp.com

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document to  
be sent from the e-mail address mbaker@softlights.org to the persons at the email addresses  
listed above.

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

Executed on August 29, 2025.

*Mark Baker*

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Mark Baker