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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SANTA ROSA DIVISION

In re:

LEFEVER MATTSON,

Consolidated Debtor.

Case No. 24-10545 (HLB)

(Substantively Consolidated)

Chapter 11

MOTION FOR (I) RECONSIDERATION OF THE ORDER REGARDING DISCOVERY DISPUTE [DKT. NO. 4559] AND (II) ENTRY OF AN ORDER SETTING A STATUS CONFERENCE ON THE SAIFI CLAIM

Date: October 8, 2026
Time: 10:00 a.m. (Pacific Time)
Place: **In-Person or Zoom Appearances**
United States Bankruptcy Court
450 Golden Gate Avenue
16th Floor, Courtroom 19
San Francisco, CA 94102

Re: Dkt. Nos. 3081, 4559

KELLER BENVENUTTI KIM LLP
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Michael I. Goldberg (the "Trustee"),[1] solely in his capacity as Trustee of the LFM Plan Recovery Trust, formed pursuant to the *Third Amended Chapter 11 Plan of Liquidation, as Modified* [Dkt. No. 4151] (the "Plan") in the above-captioned chapter 11 case (the "Chapter 11 Case") of consolidated debtor LeFever Mattson (the "Consolidated Debtor"),[2] hereby moves (the "Motion") for an order, in substantially the form attached hereto as **Exhibit A** (1) reconsidering the *Order Regarding Discovery Dispute* [Dkt. No. 4559] (the "Order") pursuant to Rule 60(b)(1) of the Federal Rules of Civil Procedure (the "Federal Rules") and Rule 9024 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and (2) setting a status conference in the Saifi Claim Contested Matter (as defined below) pursuant to section 105(d) of title 11 of the United States Code (the "Bankruptcy Code"). The Motion is supported by the Declaration of Dara L. Silveira, filed concurrently herewith.

I. JURISDICTION AND VENUE

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

[1] On May 14, 2026 (the "Effective Date"), the Plan, confirmed by the Court on April 23, 2026 [Dkt. No. 4225] (the "Confirmation Order"), became effective. *See* Dkt. No. 4335. As of the Effective Date, the Trustee retains all rights to institute, commence, file, pursue, prosecute, enforce, abandon, settle, compromise, release, waive, dismiss, or withdraw, as appropriate, any and all Causes of Action[.]" Confirmation Order, ¶ 13.

[2] On March 6, 2026, the Court entered the *Order Substantively Consolidating Debtors and KSMP Investment Entities and Granting Related Relief* [Dkt. No. 3914] (the "Substantive Consolidation Order"), which substantively consolidated the estates of LeFever Mattson, a California corporation and its affiliated debtors (the "LFM Debtors"), KS Mattson Partners, LP ("KSMP," and together with the LFM Debtors, the "Debtors") and three KSMP-affiliated entities (Perris Freeway Plaza, LP, Specialty Properties Partners, LP, and Treehouse Investments, LP), forming the "Consolidated Debtor."

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II. BACKGROUND

A. The Saifi Claim and Objection

Claimant Siroos Saifi filed Proof of Claim No. 68 (the "Saifi Claim") on October 28, 2024. The Saifi Claim seeks $502,407.50 allegedly arising from "Breach of Lease, Fraud, Infliction of Emotional Distress" due to the fact that the commercial property Mr. Saifi leased from LFM Debtor Beach Pine, LP did not have a natural gas connection. On December 9, 2025, the LFM Debtors objected [Dkt. No. 3081] (the "Objection") to the Saifi Claim, which commenced a contested matter (the "Saifi Claim Contested Matter") under Bankruptcy Rule 9014.

B. Discovery in the Saifi Claim Contested Matter

On April 11, 2026, the Court entered the *Order Continuing Hearing on Objection to Claim No. 68 Filed by Siroos Saifi* [Dkt. No. 4187] (the "Scheduling Order"), which, *inter alia*, set the deadline for the close of discovery in the Saifi Claim Contested Matter (the "Discovery Cutoff") as August 6, 2026. It also provided that "[a]ny discovery dispute letter must be filed and served no later than 5 days after close of discovery." On July 7, 2026, the Trustee served Mr. Saifi with discovery, including the *First Set of Requests for Production of Documents to Claimant Siroos Saifi* (the "RFPs"), Silveira Decl. Ex. 1-A, and a notice of deposition, which expressed the Trustee's intention to depose Mr. Saifi (the "Saifi Deposition") on August 6, 2026.

On August 4, 2026, the Trustee and Mr. Saifi stipulated [Dkt. No. 4512] and the Court ordered [Dkt. No. 4514] that the Discovery Cutoff would be extended to August 11, 2026 solely with respect to the Saifi Deposition. On August 12, 2026, the Trustee and Mr. Saifi entered into the *Second Stipulation Extending Close of Discovery Solely with Respect to Deposition of Claimant Siroos Saifi* [Dkt. No. 4528] (the "Second Deposition Stipulation"), which the Court approved on the next day [Dkt. No. 4530] (the "Second Deposition Order"). The Second Deposition Stipulation and Second Deposition Order provided that the Discovery Cutoff would be extended to August 20, 2026, solely to allow the Saifi Deposition to go forward. The Second Deposition Order also provided that "[t]he Trustee's deadline to bring a discovery-related dispute to the Court shall be seven days following the date on which the Saifi Deposition actually is held."

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Mr. Saifi produced documents in response to the RFPs on August 7, 2026 (the "August 7 Production"). The August 7 Production includes (1) the lease upon which the Saifi Claim is based; (2) two emails between Mr. Saifi and Louis Sergi, the leasing agent for the Premises; and (3) several text messages between Mr. Saifi and Mr. Sergi. Silveira Decl. Ex. 1-B. On August 19, 2026, the day before the Saifi Deposition and thirteen days after discovery closed, Mr. Saifi produced additional text messages between himself and Mr. Sergi (the "August 19 Production"). *Id*. Ex. 1-C.

C. The Saifi Deposition

The Trustee attempted to take the Saifi Deposition as scheduled on August 20, 2026. Shortly after the Deposition commenced, however, Mr. Saifi testified that he had many additional documents in his possession that were responsive to the RFPs. Silveira Decl. Ex. 1-D at 11:6–25, 12:15–13:8, 27:22–28:13. With the understanding that there were many documents responsive to the RFPs in Mr. Saifi's possession that had not been produced to the Trustee, the Trustee ended the Deposition for the day but held it open pending a meet and confer with Mr. Saifi and production of the missing documents. *See generally id*. Ex. 1-D at 31. Shortly thereafter, the Trustee emailed Mr. Saifi requesting to meet and confer regarding the missing emails and asking for confirmation that Mr. Saifi would pay for the costs of the Deposition. Mr. Saifi did not respond. Silveira Decl. Ex. 1-E.

D. The Letter Brief and the Order

With no way to finish the deposition and move forward with litigating the merits of the Saifi Claim Contested Matter, the Trustee sent a letter brief (the "Letter Brief") to the Court on August 24, 2026. Silveira Decl. Ex. 1. The Letter Brief requested that the Court compel Mr. Saifi to produce documents responsive to the RFPs. Mr. Saifi did not respond to the Letter Brief. On September 8, 2026, the Court entered the Order, which denied the Letter Brief on the ground that, because the Scheduling Order "set a deadline of August 12, 2026, to submit an informal request for assistance with a discovery dispute, the Aug. 24 Letter is untimely."

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E. Current Posture of the Saifi Claim Contested Matter

The documents requested in the Letter Brief and the conclusion of the Saifi Deposition are the only discovery that remains outstanding. No evidentiary hearing has been scheduled, nor has a dispositive motions deadline been set; as the Order notes, the August 14, 2026 hearing set by the Scheduling Order was vacated upon the retirement of Judge Novack. See Docket No. 4338. Mr. Saifi has not responded to the Trustee's outreach regarding a path forward to an evidentiary hearing on the Objection. Silveira Decl. ¶ 3.

III. RELIEF REQUESTED

The Trustee requests that the Court (1) reconsider the Order and require Mr. Saifi to produce documents so that that the Saifi Deposition can be completed and (2) set a status conference on the Saifi Claim at the Court's earliest convenience.

IV. AUTHORITY FOR RELIEF REQUESTED

A. The Order should be reconsidered because Letter Brief is timely.

The Court should reconsider the Order pursuant to Federal Rule 60(b)(1) and Bankruptcy Rule 9024 because it contains a mistake, namely, that the Letter Brief was untimely. Under Federal Rule 60(b)(1), a court may grant relief for "mistake, inadvertence, surprise, or excusable neglect." A "mistake" within the meaning of Federal Rule 60(b)(1) includes a mistake of law or fact made by a court. *See, e.g., Kemp v. United States*, 596 U.S. 528, 535 (2022). Here, the Second Deposition Order provides that "[t]he Trustee's deadline to bring a discovery-related dispute to the Court shall be seven days following the date on which the Saifi Deposition actually is held." Dkt. No. 4530 at ¶ 3. The Saifi Deposition commenced on August 20, 2026, and the Trustee submitted the Letter Brief on August 24, 2026. As a result, the Letter Brief is timely and the Court should compel Mr. Saifi to produce documents responsive to the RFPs.

B. The Court should hold a status conference.

The Trustee has attempted to resolve the Objection as expeditiously as possible because the Saifi Claim is meritless and should be disallowed. Mr. Saifi has submitted no evidence of fraud by any of the LFM Debtors, nor can he. He therefore cannot meet his burden "to prove the validity of the claim by a preponderance of the evidence." *Ashford v. Consolidated Pioneer*

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Mortgage (In re Consolidated Pioneer Mortgage), 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995) (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)), *aff'd without opinion* 91 F.3d 151 (9th Cir. 1996).). "[T]he ultimate burden of persuasion is always on the claimant." *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991). Yet, in light of the Scheduling Order's ruling that discovery proceed in the Saifi Claim Contested Matter, the Trustee served targeted discovery and attempted to depose Mr. Saifi as efficiently as possible. He has been hampered in doing so by Mr. Saifi's failure to produce allegedly responsive documents. Nor has Mr. Saifi responded to the Trustee's outreach regarding a path forward to an evidentiary hearing on the Objection. Silveira Decl. ¶ 3. The Court should hold a status conference regarding these discovery issues and set a scheduling order for the resolution of the Saifi Claim Contested Matter at its earliest convenience. Section 105(d) of the Bankruptcy Code provides that a bankruptcy court "shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case." Here, such a status conference is necessary in light of the outstanding issues surrounding prosecution of the Objection and given Mr. Saifi's non-responsiveness.

V. CONCLUSION

For the reasons set forth above, the Court should (1) reconsider the Order and compel Mr. Saifi to produce documents responsive to the RFPs and (2) set a status conference at its earliest convenience.

Dated: September 15, 2026

KELLER BENVENUTTI KIM LLP

By: */s/ Dara L. Silveira*
Dara L. Silveira

Attorneys for Michael I. Goldberg, as Trustee of the LFM Plan Recovery Trust

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Exhibit A

(Proposed Order)

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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SANTA ROSA DIVISION

In re: LEFEVER MATTSON, Consolidated Debtor.	Case No. 24-10545 (HLB) (Substantively Consolidated) Chapter 11 **[PROPOSED] ORDER (1) RECONSIDERING ORDER REGARDING DISCOVERY DISPUTE [DKT. NO. 4559] AND (2) SETTING A STATUS CONFERENCE ON THE SAIFI CLAIM** Re: Dkt. Nos. 3081, 4559

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Upon the *Motion for (I) Reconsideration of Order Regarding Discovery Dispute [Dkt. No. 4559] and (II) Entry of an Order Setting a Status Conference on the Saifi Claim* (the "Motion"),[1] dated September 15, 2026, filed by Michael I. Goldberg, as Trustee (the "Trustee") of the LFM Plan Recovery Trust and the Court having held a hearing on the Motion; and the Court having determined that the relief requested in the Motion is in the best interests of the Liquidation Trust and its beneficiaries; and, after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.

2. The *Order Regarding Discovery Dispute* [Dkt. No. 4559] is hereby reconsidered and claimant Siroos Saifi is compelled to produce documents responsive to the Trustee's First Set of Requests for Production of Documents to Claimant Siroos Saifi within seven days of the date hereof.

3. The Court shall hold a status conference in the Saifi Claim Contested Matter on _____ at _____ (Pacific Time.

4. The Court shall retain jurisdiction to resolve any disputes or controversies arising from this Order.

[1] Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Motion.

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