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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

RICHARD ALLEN CLARIDGE, CAPRI
LYNN WINSER, TODD MICHERO, LORI
MICHERO, SCOTT A. WALKER, and
ELIZABETH L. WALKER, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

TIMOTHY J. LEFEVER, KENNETH W.
MATTSON, KS MATTSON PARTNERS, LP,
and SPECIALTY PROPERTIES PARTNERS,
LP,

Defendants.

Case No. 4:24-cv-04093-JST

**STIPULATED REQUEST FOR STAY OF
LITIGATION AND ~~PROPOSED~~ ORDER**

1 Plaintiffs Richard Allen Claridge, Capri Lynn Winser, Todd Michero, Lori Michero, Scott
2 A. Walker, and Elizabeth L. Walker (“Plaintiffs”) and Defendants Timothy J. LeFever
3 (“LeFever”) and Specialty Properties Partners, LP (“Specialty Properties Partners”), by and
4 through their respective counsel of record, hereby stipulate and agree as follows:

5 WHEREAS, on October 17, 2024, Plaintiffs filed a First Amended Class Action
6 Complaint (“FAC”) naming Defendants LeFever, Kenneth W. Mattson (“Mattson”), KS Mattson
7 Partners, LP (“KS Mattson Partners”), and Specialty Properties Partners (together, the
8 “Defendants”) (ECF No. 73);

9 WHEREAS, on November 12, 2024, Defendants filed two motions to dismiss the FAC
10 pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (ECF Nos. 89 & 90);

11 WHEREAS, Plaintiffs’ response to Defendants’ motions to dismiss is due December 6,
12 2024, Defendants’ replies in support of their motions are due December 20, 2024, and a hearing
13 on Defendants’ motions is set for January 16, 2025 (*see* ECF No. 79);

14 WHEREAS, a Further Case Management Conference is set for December 18, 2024 (ECF
15 No. 76);

16 WHEREAS, on November 22, 2024, LeFever Mattson, a California corporation
17 (“LeFever Mattson”) filed an involuntary bankruptcy petition against Mattson for relief under
18 Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) with the United States
19 Bankruptcy Court for the Northern District of California (the “Bankruptcy Court”), under Case
20 No. 24-10714, currently pending before Judge Charles Novack of the Bankruptcy Court
21 (“Mattson Involuntary Bankruptcy”);¹

22 WHEREAS, on November 22, 2024, LeFever Mattson and Windtree, LP filed an
23 involuntary petition against KS Mattson Partners for relief under Chapter 11 of Title 11 of the
24 Bankruptcy Code with the Bankruptcy Court, under Case No. 24-10715, currently pending before
25 Judge Charles Novack of the Bankruptcy Court (“KS Mattson Partners Involuntary Bankruptcy”
26 and together with the Mattson Involuntary Bankruptcy, the “Involuntary Bankruptcies”);²

27 ¹ A copy of the petition in the Mattson Involuntary Bankruptcy is attached hereto as Exhibit A.

28 ² A copy of the petition in the KS Mattson Partners Involuntary Bankruptcy is attached hereto as Exhibit B.

1 WHEREAS, pursuant to section 362(a) of the Bankruptcy Code, the commencement of
2 the Involuntary Bankruptcies “operates as a stay, applicable to all entities,” of, among other
3 things, “the commencement or continuation, including the issuance or employment of process, of
4 a judicial, administrative, or other action or proceeding against the debtor that was or could have
5 been commenced before the commencement of the case under [the Bankruptcy Code], or to
6 recover a claim against the debtor that arose before the commencement of the [bankruptcy] case”
7 and “any act to obtain possession of property of the estate or of property from the estate or to
8 exercise control over property of the estate,” 11 U.S.C. § 362(a)(1), (3);³

9 WHEREAS, in the interest of conserving the parties’ and the Court’s resources, and
10 efficient administration of the class action as to all Defendants, Plaintiffs, Defendant LeFever,
11 and Defendant Specialty Properties Partners have agreed to a stay of the above-captioned action
12 as set forth below; and

13 WHEREAS, the proposed stay is not intended to prejudice any party and will serve the
14 interests of judicial economy;

15 NOW, THEREFORE, subject to the approval of the Court, it is hereby stipulated and
16 agreed that:

- 17 1. The above-captioned action is stayed;
- 18 2. All existing hearings and deadlines are hereby vacated;
- 19 3. All deadlines applicable to discovery, including responses to outstanding
20 discovery requests and the resolution of pending discovery disputes, are hereby
21 tolled during the pendency of the stay;
- 22 4. The parties shall not file further motions or serve further discovery during the
23 pendency of the stay; and
- 24 5. No later than (a) 120 days from the entry of this stipulation, or (b) 30 days after
25 entry of final judgment by the Bankruptcy Court dismissing the Involuntary

26 _____
27 ³ A “debtor named in an involuntary [bankruptcy] petition may contest the petition.” Fed. R.
28 Bankr. P. 1011(a). The debtor may move to dismiss the bankruptcy “within 21 days after service
of the summons.” Fed. R. Bankr. P. 1011(b). The Involuntary Bankruptcies were commenced on
November 22, 2024. As of this filing, no responsive pleadings (including motions to dismiss)
have been filed in the Involuntary Bankruptcies.

1 Bankruptcies, whichever occurs first, the parties shall file a Joint Status Report
2 advising the Court as to the status of the Involuntary Bankruptcies and each party's
3 position regarding whether or not the stay should be lifted.

4 Dated: November 27, 2024

/s/ Michael K. Sheen

Michael K. Sheen

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*Attorneys for Defendant Specialty Properties
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Attestation Pursuant to Local Rule 5-1(i)(3)

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document
has been obtained from each of the other signatories.

Dated: November 27, 2024

/s/ Michael K. Sheen
Michael K. Sheen


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ORDER

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO

ORDERED.

Dated: December 2, 2024



The Honorable Jon S. Tigar
United States District Judge