

1 UNITED STATES BANKRUPTCY COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

4 In re:) Case No. 25-25687-B-7
5 GARY ENDAYA,) Adversary No. 26-2062
6) DC No. JAS-1
7 Debtor(s) .)
8)
9 GARY ENDAYA,)
10)
11 Plaintiff(s),)
12)
13 v.)
14)
15 CALIFORNIA DEPARTMENT OF)
16 VETERAN AFFAIRS, UNITED STATES)
17 DEPARTMENT OF VETERAN AFFAIRS,)
18)
19 Defendant(s) .)
20)
21)
22)

23 ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT ISSUE
24 UNDER FED. R. BANKR. P. 9011

25 Plaintiff's attorney, Peter G. Macaluso, shall show cause in
26 writing, filed by September 8, 2026, why he should not be
27 sanctioned under Fed. R. Bankr. P. 9011(b)(2) for the following
28 misrepresentations of legal authorities cited in an Opposition
filed on August 4, 2026 (Docket 30):¹

¹Although the Opposition is signed by Mr. Macaluso, the court is familiar with Mr. Macaluso's writing style and format and the Opposition matches neither. Nevertheless, Mr. Macaluso signed the Opposition thereby triggering his potential liability under Rule 9011. See Fed. R. Bankr. P. 9011(a).

As noted below, it is also apparent that Mr. Macaluso, or whoever drafted the Opposition, does not know what quotation marks are or how they are used. Quotation Mark: one of a pair of punctuation marks " " or ' ' used chiefly to indicate the beginning and the end of a quotation in which the exact phraseology of another or of a text is directly cited. Merriam-Webster. (n.d.). Quotation Marks. In

1. Lines 23-26 on page 3 state as follows:

CalVet's reliance on Federal Farm Mortgage Corp. v. Davis, 132 F.2d 663 (9th Cir. 1942), is incorrect. Davis actually confirms, rather than limits, bankruptcy court jurisdiction. The Ninth Circuit expressly held that **"whether the forfeiture was valid under state law is a question for the bankruptcy court to determine."** Id. at 665.

The court is unable to find the quoted text on page 665 of, or anywhere else in, the Federal Farm Mortgage Opinion.

2. Lines 8-11 on page 4 state as follows:

Section 541(a)(1) is intentionally broad, encompassing **"legal interests, equitable interests, possessory interests, contingent interests, and disputed interests."** *In re Mwangi*, 764 F.3d 1168, 1174 (9th Cir. 2014). The Ninth Circuit explains that the estate includes **"every conceivable interest"** the debtor may have. Id.

The court is unable to find the quoted text on page 1174 of, or anywhere else in, the Mwangi Opinion. Section 541(a)(1) is also misstated as quoted.

3. Lines 14-15 on page 4 state as follows:

The Ninth Circuit holds that § 541(a)(1) includes **"bare possessory interests."** *In re Pettit*, 217 F.3d 1072, 1078 (9th Cir. 2000).

The court is unable to find the quoted text on page 1078 of, or anywhere else in, the Pettit Opinion.

The misrepresentation of authorities cited in the Opposition is not an isolated incident. Mr. Macaluso recently signed two documents in another adversary proceeding pending in Department B with nearly identical misrepresentations of cited legal authorities. See e.g., Husted v. Edwards, et al., Adv. No. 25-2079, Dockets 106 at 4:17-5:14, 96 at 6 n.4. Another possible

Merriam-Webster.com dictionary. Retrieved August 28, 2026, from [https://www.merriam-webster.com/dictionary/quotation mark](https://www.merriam-webster.com/dictionary/quotation%20mark).

1 instance of nearly identical misrepresentations of cited legal
2 authorities in yet another document signed by Mr. Macaluso is
3 currently under review in Husted v. E.E., et al., Adv. No. 26-
4 2057, Docket 22.

5 A hearing on this order to show cause is set on September
6 15, 2026, at 11:00 a.m. Mr. Macaluso shall appear in person.
7 Video or telephonic appearance is not permitted.

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9 **Dated:** August 28, 2026

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12 Christopher D. Jaime, Chief Judge
13 United States Bankruptcy Court
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**INSTRUCTIONS TO CLERK OF COURT
SERVICE LIST**

The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties:

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