

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

FISKER, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Hearing Date: April 16, 2025 at 11:00 a.m. (ET)

Objection Deadline: April 7, 2025 at 4:00 p.m. (ET)

**LIQUIDATING TRUSTEE'S FIFTH OMNIBUS OBJECTION (NON-SUBSTANTIVE)
PURSUANT TO 11 U.S.C. § 502, FED. R. BANKR. P. 3007 AND LOCAL RULE 3007-1
TO CERTAIN (I) SAME-DEBTOR DUPLICATE CLAIMS;
AND (II) AMENDED AND SUPERSEDED CLAIMS**

*****CLAIMANTS RECEIVING THIS OBJECTION SHOULD LOCATE THEIR NAMES
AND CLAIMS IN THE EXHIBITS TO THE OBJECTION*****

Matthew Dundon, solely in his capacity as the Liquidating Trustee (the “**Liquidating Trustee**”) of the Fisker Liquidating Trust (the “**Liquidating Trust**”), hereby submits this fifth omnibus objection (the “**Objection**”) seeking entry of an order (the “**Proposed Order**”), substantially in the form annexed hereto as **Exhibit A**, pursuant to section 502 of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 3007-1 of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”): (i) disallowing in full and expunging the duplicate claims listed on **Schedule 1** to the Proposed Order (the “**Same-Debtor Duplicate Claims**”); and (ii) disallowing in full and expunging the amended and superseded claims listed on Schedule 2 to the Proposed Order (the “**Amended/Superseded Claims**” and, together with the Same-Debtor Duplicate Claims, the “**Disputed Claims**”). In support of the

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the Debtors’ corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.



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Objection, the Liquidating Trustee submits the Declaration of Rick Wright (the “**Wright Declaration**,” a copy of which is attached hereto as **Exhibit B** and incorporated by reference herein), and respectively represents as follows:

JURISDICTION AND VENUE

1. The United States District Court for the District of Delaware has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334, which was referred to the United States Bankruptcy Court for the District of Delaware (the “**Court**”) under 28 U.S.C. § 157 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012.

2. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Court may enter a final order consistent with Article III of the United States Constitution.²

3. The statutory bases for the relief requested herein are section 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007-1.

BACKGROUND

A. The Chapter 11 Cases

4. On June 17 and 19, 2024, as applicable (the “**Petition Date**”), Fisker, Inc. and its debtor affiliates (the “**Debtors**”) commenced the above-captioned cases (the “**Chapter 11 Cases**”) in the Court under chapter 11 of the Bankruptcy Code.

² Pursuant to Local Rule 9013-1(f), the Liquidating Trustee hereby confirms his consent to entry of a final order by the Court in connection with this Objection if it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

5. On October 15, 2024, the Debtors filed their fourth amended *Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and its Debtor Affiliates* (the “**Plan**”) [D.I. 713].³

6. On October 16, 2024, the Court entered the *Findings of Fact, Conclusions of Law, and Order, Approving the Disclosure Statement on a Final Basis, Confirming the Debtors’ Joint Chapter 11 Plan of Liquidation, and Granting Related Relief* (the “**Confirmation Order**”) [D.I. 722].

7. Pursuant to the Confirmation Order, the appointment of the Liquidating Trustee was approved in all respects, including:

[T]o (a) carry out all rights and duties set forth in the Plan and Liquidating Trust Agreement, (b) appear and be heard on all matters related to the Chapter 11 Cases (as a representative of the Liquidating Trust and/or the Debtors, as applicable), (c) as set forth in Article VIII.B.3 of the Plan and this Order, investigate, prosecute and resolve, in the name of the Debtors and/or the name of the Liquidating Trustee, any Preserved Estate Claims (including, for the avoidance of doubt, any criminal causes of action), and (d) present to creditors and other courts of competent jurisdiction this Order as evidence of such authority.

See Confirmation Order ¶ 73.

8. On October 17, 2024 (the “**Effective Date**”), the Plan went effective as set forth in a *Notice of (I) Effective Date of Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and its Debtor Affiliates and (II) Certain Claims Bar Dates* [D.I. 730].

9. The Liquidating Trust was established on the Effective Date, into which the Debtors transferred “all of the Debtors’ and Estates’ rights, title, and interest in and to all of the Liquidating Trust Assets, and, in accordance with section 1141 of the Bankruptcy Code, the Liquidating Trust

³ Any capitalized term used but not otherwise defined herein shall have the meaning ascribed to it in the Plan.

Assets, ... automatically vest[ed] in the Liquidating Trust free and clear of all Claims, Liens, encumbrances, or interests.” *See* Confirmation Order ¶ 75.

10. The Plan provides that, after the Effective Date, the Liquidating Trustee: “[s]hall have the sole authority to (a) file, withdraw or litigate to judgment, objections to Claims; (b) settle or compromise any Disputed Claim without any further notice to or action, order or approval by the Bankruptcy Court (other than a Professional Fee Claim).” *See* Plan, Article X.B.

B. The Bar Dates

11. On August 15 and 16, 2024, each Debtor filed its respective schedule of assets and liabilities and statement of financial affairs, as each may have been amended from time to time [D.I. 430-450].

12. On August 19, 2024, the Court entered its *Order (I) Establishing Certain Bar Dates for Filing Proofs of Claim Against the Debtors, and (II) Granting Related Relief, Including Notice and Filing Procedures* [D.I. 458] (the “**Bar Date Order**”).

13. Among other things, the Bar Date Order established (i) 5:00 p.m. prevailing Eastern Time on September 11, 2024 (the “**General Bar Date**”) as the deadline for all entities, other than governmental units, to file Proofs of Claim and (ii) 5:00 p.m. prevailing Eastern Time on December 16, 2024 (the “**Government Bar Date**”) as the deadline for governmental units to file Proofs of Claim.

14. The Plan and the Confirmation Order provided that holders of Administrative Claims and Claims arising from the rejection of executory contracts or unexpired leases pursuant to the Plan were required to file such claims no later than the first Business Day that was thirty (30) days following the Effective Date, or November 18, 2024 (the “**Administrative Claim and**

Rejection Bar Date” and, together with the General Bar Date and the Government Bar Date, the **“Bar Dates”**).

C. Claims Objection Deadlines

15. Pursuant to the *Order Extending the Period to File and Serve Objections to Administrative Claims Through and Including April 18, 2025* [D.I. 817], the deadline for the Liquidating Trustee to object to Administrative Claims, including claims under section 503(b)(9) of the Bankruptcy Code, is April 18, 2025, subject to the Liquidating Trustee’s right to seek additional extensions.

16. Pursuant to the *Order Extending the Period to File and Serve Objections to Claims and Interests Through and Including July 14, 2025* [D.I. 883], the deadline for the Liquidating Trustee to object to Claims and Interests other than Administrative Claims is July 14, 2025, subject to the Liquidating Trustee’s right to seek additional extensions.

D. The Claims Resolution Process

17. In the ordinary course of business, the Debtors maintained books and records (the **“Books and Records”**) that reflect, among other things, the Debtors’ liabilities and the amounts owed to their creditors. The Liquidating Trustee and his advisors (the **“Reviewing Parties”**) are undertaking a review of the Proofs of Claim filed in these Chapter 11 Cases, including any supporting documentation and a comparison of these documents with the Debtors’ Books and Records to determine the validity of the Proofs of Claim. This process includes identifying categories of claims that may be targeted for disallowance and expungement, reduction and/or reclassification.

18. Additionally, pursuant to the *Order Granting Liquidating Trustee’s Motion for (I) Leave from Local Rule 3007-1(f) Related to the Filings of Substantive Omnibus Claim Objections*

and (II) *Related Relief* [D.I. 894], the Liquidating Trustee has obtained the Court’s approval of certain omnibus objection procedures (the “**Claims Objection Procedures**”). The Claims Objection Procedures permit the Liquidating Trustee to conduct the Claims reconciliation process in a more timely, efficient, and cost-effective manner as it relates to the filing of substantive omnibus claim objections.

19. As part of their ongoing review of filed Claims, the Reviewing Parties have reviewed each of the Claims listed on **Schedule 1** and **Schedule 2** to the Proposed Order and have concluded that each such Claim is either duplicative or amends and supersedes a previously filed Claim, as applicable. For the reasons set forth in more detail below, and based on this review, the Liquidating Trustee has determined that the Disputed Claims are objectionable on non-substantive grounds, i.e., that such Claims are either Same-Debtor Duplicate Claims or Amended/Superseded Claims, as applicable, and are subject to disallowance in full and expungement.⁴

20. To reduce the number of Claims, and to avoid possible double or otherwise improper recovery by claimants, the Liquidating Trustee anticipates filing additional objections to Claims on a rolling basis.

RELIEF REQUESTED

21. Section 502(a) of the Bankruptcy Code provides, in pertinent part, as follows: “[a] claim or interest, proof of which is filed under section 501 of [the Bankruptcy Code], is deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502(a). Further, section 502(b)(1) of the Bankruptcy Code provides that a court “shall determine the amount of such claim . . . as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent

⁴ This Objection is expressly without prejudice to any and all rights of the Liquidating Trustee to bring future and/or additional objections to any of the Disputed Claims on any basis if applicable.

that—such claim is unenforceable against the debtor and the property of the debtor”
 See 11 U.S.C. § 502(b)(1).

22. The burden of proof for determining the validity of claims rests on different parties at different stages of the objection process. As explained by United States Court of Appeals for the Third Circuit:

The burden of proof for claims brought in bankruptcy court under 11 U.S.C. § 502(a) rests on different parties at different times. Initially, the claimant must allege facts sufficient to support the claim. If the averments in his filed claim meet this standard of sufficiency, it is ‘prima facie’ valid. [citations omitted]. In other words, a claim that alleges facts sufficient to support legal liability to the claimant satisfies the claimants’ initial obligation to go forward. The burden of going forward then shifts to the objector to produce evidence sufficient to negate the prima facie validity of the filed claim In practice, the objector must produce evidence which, if believed, would refute at least one of the allegations that is essential to the claim’s legal sufficiency. If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence.

In re Allegheny Int’l Inc., 954 F.2d 167, 173-74 (3d Cir. 1992) (citation omitted). Once the *prima facie* validity of a claim is rebutted, “it is for the claimant to prove his claim, not for the objector to disprove it.” *In re Kahn*, 114 B.R. 40, 44 (Bankr. S.D.N.Y. 1990) (citations omitted).

23. Bankruptcy Rule 3007 provides certain grounds upon which “objections to more than one claim may be joined in an omnibus objection.” Fed. R. Bankr. P. 3007(d). Additionally, Local Rule 3007-1 governs omnibus objections to Claims in this District and “applies to an omnibus objection to claims... [or] an objection that objects to claims filed by different claimants.” Del. Bankr. L.R. 3007-1(a).

24. Local Rule 3007-1(c) provides that “[a]n omnibus objection is deemed to be made on a substantive basis unless it is based on the following: ... (i) Duplicate claim; ... (iii) Amended or superseded claim”. Del. Bankr. L.R. 3007-1(c)(i), (iii).

25. For the reasons set forth below, there is ample evidence to rebut the *prima facie* validity of each of the Disputed Claims.

A. Same-Debtor Duplicate Claims

26. During the Reviewing Parties’ review of the Proofs of Claim, the Liquidating Trustee determined that the Proofs of Claim identified as Same-Debtor Duplicate Claims on **Schedule 1** to the Proposed Order are identical to other Proofs of Claim filed by the same claimant asserting a claim for the same liability, in the same amount and priority, and against the same debtor.

27. Accordingly, the Liquidating Trustee seeks entry of the Proposed Order disallowing in full and expunging each of the Same-Debtor Duplicate Claims listed on **Schedule 1** to the Proposed Order. The Liquidating Trustee notes that the claimants will not be prejudiced if the Same-Debtor Duplicate Claims are disallowed and expunged, because the claimants will retain their respective surviving claims (each, a “**Remaining Claim**”) also identified on **Schedule 1** to the Proposed Order.⁵

B. Amended/Superseded Claims

28. The Third Circuit has held that in the absence of prejudice, bankruptcy courts should allow amendments to proofs of claim to cure a defect in a claim as filed or to describe the claim with greater particularity. *See In re Edison Bros. Stores*, 2002 Bankr. LEXIS 1228, at * 10

⁵ As the claims reconciliation process is ongoing, the Liquidating Trustee reserves any and all rights to object to the Remaining Claims at any time and on any grounds.

(Bankr. D. Del. May 15, 2002) (stating that amendments are to be allowed where the original claim prompted notice to the court of the existence, nature, and amount of the claim, and are not allowed when they constitute the assertion of an entirely new claim). Amendments relate back to the date of the filing of the original claim. *See In re Metro Transp. Co.*, 117 B.R. 143, 147 (Bankr. E.D. Pa. 1990).

29. The Reviewing Parties have reviewed the Proofs of Claim listed on **Schedule 2** to the Proposed Order and determined that they have been amended and superseded by a later-filed claim, filed by the same claimant asserting a claim for the same liability (each, a “**Surviving Claim**”). The Liquidating Trustee therefore seeks to disallow in full and expunge the Amended/Superseded Claims, which have been superseded by the later-filed Surviving Claim, also identified on **Schedule 2** to the Proposed Order.

30. Unless the Amended/Superseded Claims are disallowed, the claimants listed on **Schedule 2** to the Proposed Order will receive a duplicative recovery from the Debtors’ estates. The claimants affected by the Objection will not be prejudiced if the Amended/Superseded Claims are disallowed in full and expunged because each will retain the corresponding Surviving Claim that is identified on **Schedule 2** to the Proposed Order.⁶

RESPONSES TO OMNIBUS OBJECTIONS

31. To contest this Objection, a claimant must file and serve a written response to this Objection (a “**Response**”) so that it is received no later than **April [•], 2025 at 4:00 p.m. (Eastern Time)** (the “**Response Deadline**”). Every Response must be filed with the Office of the Clerk of the United States Bankruptcy Court for the District of Delaware: 824 North Market Street,

⁶ As the claims reconciliation process is ongoing, the Liquidating Trustee reserves any and all rights to object to the Surviving Claims at any time and on any grounds.

Wilmington, Delaware 19801, and served upon the following entities, so that the Response is received no later than the Response Deadline, at the undersigned addresses for co-counsel to the Liquidating Trustee.

32. Every Response to this Objection must contain, at a minimum, the following information:

- i. a caption setting forth the name of the Court, the name of the Debtors, the case number, and the title of the Objection to which the response is directed.
- ii. the name of the claimant, his/her/its Claim number, and a description of the basis of the claim;
- iii. the specific factual basis and supporting legal argument upon which the party will rely in opposing this Objection;
- iv. any supporting documentation, to the extent it was not included with the Proof of Claim previously filed with the clerk or claims agent, upon which the party will rely to support the basis for and amounts asserted in the Proof of Claim; and
- v. the name, address, telephone number, email address and fax number of the persons (which may be the claimant or the claimant's legal representative) with whom counsel for the Liquidating Trustee should communicate with respect to the Claim and/or the Objection and who possesses authority to reconcile, settle, or otherwise resolve the Objection to the Disputed Claim on behalf of the claimant.

33. If a claimant fails to file and serve a timely Response by the Response Deadline, the Liquidating Trustee will present to the Court an appropriate order disallowing in full and expunging such claimant's Claim, as set forth in **Schedule 1** and **Schedule 2** to the Proposed Order, without further notice to the claimant.

REPLIES TO RESPONSES

34. Consistent with Local Rule 9006-1(d), the Liquidating Trustee may, at his option, file and serve a reply to a Response no later than 4:00 p.m. (Prevailing Eastern Time) one (1) day prior to the deadline for filing the agenda for any hearing to consider the Objection.

SEPARATE CONTESTED MATTERS

35. Each of the above objections to the Disputed Claims constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. The Liquidating Trustee requests that any order entered by this Court with respect to an objection asserted in this Objection shall be deemed a separate order with respect to each Claim.

RESERVATION OF RIGHTS

36. The Liquidating Trustee expressly reserves the right to amend, modify or supplement this Objection and to file additional objections to the Disputed Claims or any other Claims (filed or not) which may be asserted against the Debtors and/or the Liquidating Trust. Should one or more of the grounds of objection stated in this Objection be dismissed, the Liquidating Trustee reserve his rights to object on other stated grounds or on any other grounds that the Liquidating Trustee discovers during the pendency of these Chapter 11 Cases.

NOTICE

37. Notice of this Objection has been provided via first class mail to (i) the Office of the United States Trustee for the District of Delaware; (ii) all of the Claimants listed on **Schedule 1** and **Schedule 2** to the Proposed Order and their counsel, if known; and (iii) any persons who have filed a request for notice in these Chapter 11 Cases pursuant to Bankruptcy Rule 2002.

STATEMENT OF COMPLIANCE WITH LOCAL RULE 3007-1

38. The undersigned representative of Cole Schotz P.C. ("**Cole Schotz**") certifies that he has reviewed the requirements of Local Rule 3007-1 and that the Objection substantially complies with that Local Rule. To the extent that the Objection does not comply in all respects with the requirements of Local Rule 3007-1, Cole Schotz asserts that such deviations are not material and respectfully requests that any such requirement be waived.

CONCLUSION

39. Accordingly, the Liquidating Trustee respectfully requests that this Court (i) enter the Proposed Order attached hereto as **Exhibit A** disallowing in full and expunging the Disputed Claims; and (ii) grant such other and further relief as is just and proper.

Dated: March 17, 2025
Wilmington, Delaware

COLE SCHOTZ P.C.

/s/ Justin R. Alberto

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Co-Counsel to the Liquidating Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FISKER, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Hearing Date: April 16, 2025 at 11:00 a.m. (ET)

Objection Deadline: April 7, 2025 at 4:00 p.m. (ET)

**NOTICE OF FIFTH OMNIBUS OBJECTION (NON-SUBSTANTIVE)
PURSUANT TO 11 U.S.C. § 502, FED. R. BANKR. P. 3007 AND LOCAL RULE 3007-1
TO CERTAIN (I) SAME-DEBTOR DUPLICATE CLAIMS;
AND (II) AMENDED AND SUPERSEDED CLAIMS**

*****CLAIMANTS RECEIVING THIS OBJECTION SHOULD LOCATE THEIR NAMES
AND CLAIMS ON SCHEDULE 1 OR SCHEDULE 2 TO THE PROPOSED ORDER*****

PLEASE TAKE NOTICE, that on March 17, 2025, Matthew Dundon, solely in his capacity as the Liquidating Trustee (the “**Liquidating Trustee**”) of the Fisker Liquidating Trust, filed the *Liquidating Trustee’s Fifth Omnibus Objection (Non-Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain (I) Same-Debtor Duplicate Claims; and (II) Amended and Superseded Claims* (the “**Objection**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”). A copy of the Objection is enclosed herein.

PLEASE TAKE FURTHER NOTICE, that responses, if any, to the Objection must be filed with the Clerk of the Court, 824 N. Market Street, 3rd Floor, Wilmington, Delaware 19801, on or before **April 7, 2025 at 4:00 p.m. (ET)** (the “**Response Deadline**”). At the same time, you must serve a copy of the response upon the undersigned counsel so as to be received on or before the Response Deadline.

PLEASE TAKE FURTHER NOTICE, that if a response is timely filed and served, and such objection or response is not otherwise timely resolved, a hearing with respect to the Objection will be held before The Honorable Thomas M. Horan, United States Bankruptcy Judge, at the United States Bankruptcy Court for the District of Delaware, 824 N. Market Street, 3rd Floor, Courtroom #7, Wilmington, Delaware 19801 on **April 16, 2025 at 11:00 a.m. (ET)**.

PLEASE TAKE FURTHER NOTICE THAT IF NO RESPONSE IS RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY ENTER THE RELIEF

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the Debtors’ corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.

REQUESTED IN THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: March 17, 2025
Wilmington, Delaware

COLE SCHOTZ P.C.

/s/ Justin R. Alberto

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-and-

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Co-Counsel to the Liquidating Trustee

Exhibit A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FISKER, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Re: D.I. ____

**ORDER GRANTING LIQUIDATING TRUSTEE’S FIFTH OMNIBUS OBJECTION
(NON-SUBSTANTIVE) PURSUANT TO 11 U.S.C. § 502, FED. R. BANKR. P. 3007
AND LOCAL RULE 3007-1 TO CERTAIN (I) SAME-DEBTOR DUPLICATE CLAIMS;
AND (II) AMENDED AND SUPERSEDED CLAIMS**

Upon the *Liquidating Trustee’s Fifth Omnibus Objection (Non-Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain (I) Same-Debtor Duplicate Claims; and (II) Amended and Superseded Claims* (the “**Objection**”),² filed by Matthew Dundon, solely in his capacity as the Liquidating Trustee (the “**Liquidating Trustee**”) of the Fisker Liquidating Trust, seeking entry of an order pursuant to 11 U.S.C. § 502, Bankruptcy Rule 3007 and Local Rule 3007-1 disallowing in full and expunging the Disputed Claims; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334; and it appearing that this is a core proceeding pursuant to 28 U.S.C. §157; and it appearing that venue of this proceeding is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and adequate notice of the Objection and opportunity for response having been given; and it appearing that no other notice need be given; and the Court having considered the Objection, the Claims listed on

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors’ corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.

² Any capitalized term used but not otherwise defined herein shall have the meaning ascribed to it in the Objection.

Schedule 1 and **Schedule 2** annexed hereto, and any responses thereto; and upon the record herein; and, after due deliberation and sufficient cause appearing therefore, it is FOUND AND DETERMINED that:

- A. This Objection is a core proceeding under 28 U.S.C. § 157(b)(2).
- B. Each holder of a Claim listed on **Schedule 1** and **Schedule 2** attached hereto was properly and timely served with a copy of the Objection, this Order, the accompanying exhibit, and the notice.
- C. Any entity known to have an interest in the Claims subject to the Objection has been afforded reasonable opportunity to respond to, or be heard regarding, the relief requested in the Objection.
- D. Each of the Claims on **Schedule 1** hereto asserts a Same-Debtor Duplicate Claim.
- E. Each of the Claims on **Schedule 2** hereto asserts an Amended/Superseded Claim.

IT IS HEREBY ORDERED ADJUDGED AND DECREED that:

- 1. The Objection is GRANTED as set forth herein.
- 2. Any response to the Objection not otherwise withdrawn, resolved, or adjourned is hereby overruled on its merits.
- 3. Each of the Claims listed as a Same-Debtor Duplicate Claim on **Schedule 1** hereto is hereby disallowed in full and expunged.
- 4. The Liquidating Trustee's rights to object to any of the Remaining Claims listed on **Schedule 1** hereto, at any time and for any reason, are fully preserved.
- 5. Each of the Claims listed as an Amended/Superseded Claim on **Schedule 2** hereto is hereby disallowed in full and expunged.

6. The Liquidating Trustee's rights to object to any of the Surviving Claims listed on **Schedule 2** hereto, at any time and for any reason, are fully preserved.

7. The official Claims Register in these Chapter 11 Cases shall be modified in accordance with this Order.

8. The Liquidating Trustee's rights to amend, modify, or supplement the Objection, and the rights of all parties in interest to file additional objections to the Claims or any other Claims (filed or not) which may be asserted against the Debtors and/or the Liquidating Trust, are preserved. Additionally, should one or more of the grounds of objection stated in the Objection be dismissed, the Liquidating Trustee's rights and the rights of other parties in interest to object on the other stated grounds or on any other grounds that the Liquidating Trustee or other parties in interest may discover are further preserved.

9. Notwithstanding the possible applicability of Bankruptcy Rules 6004, 7062, 9014 or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry. All time periods set forth in the Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

10. This Court shall retain jurisdiction over the Liquidating Trustee and the Claimants whose Claims are subject to the Objection with respect to any matters related to or arising from the Objection and the implementation of this Order.

Schedule 1 - Same-Debtor Duplicate Claims

Claimant Name	Remaining Claim #	Duplicate Claim # to be Disallowed	Claim Amount	Priority	Remaining Claim Debtor	Reason for Disallowance
Mogasala, Murali	3262	3215	\$10,000.00	General Unsecured Nonpriority	Fisker, Inc.	The Duplicate Claim is duplicative of the Remaining Claim

Schedule 2 - Amended and Superseded Claims

Claimant Name	Surviving Claim #	Amended and Superseded Claim # to be Disallowed	Asserted Priority	Amended and Superseded Claim Amount	Surviving Claim Amount	Reason for Disallowance
Konstandt, David	2342	210	Secured	\$65,000.00	Unliquidated	The Surviving Claim amended and superseded the Amended/Superseded Claim
Petrescu, Catalin	1958	251	General Unsecured Priority (507(a)(7))	\$1,000.00	\$1,000.00	The Surviving Claim amended and superseded the Amended/Superseded Claim
Rosenthal, Michael	3336	3305	Secured/General Unsecured Nonpriority	\$68,344.39 comprising (i) \$33,303.79 (Secured) and (ii) \$35,040.60 (General Unsecured Nonpriority)	\$68,344.39 comprising (i) \$33,303.79 (Secured) and (ii) \$35,040.60 (General Unsecured Nonpriority)	The Surviving Claim amended and superseded the Amended/Superseded Claim
Tanguay, Dan	4031	3607	General Unsecured Priority (507(a)(4))	\$85,000.00	\$85,000.00	The Surviving Claim amended and superseded the Amended/Superseded Claim

Exhibit B

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FISKER, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

**DECLARATION OF RICK WRIGHT IN SUPPORT OF LIQUIDATING TRUSTEE'S
FIFTH OMNIBUS OBJECTION (NON-SUBSTANTIVE) PURSUANT TO 11 U.S.C. §
502, FED. R. BANKR. P. 3007 AND LOCAL RULE 3007-1 TO CERTAIN (I) SAME-
DEBTOR DUPLICATE CLAIMS; AND (II) AMENDED AND SUPERSEDED CLAIMS**

I, Rick Wright, hereby declare under penalty of perjury:

1. I submit this declaration (the “**Declaration**”) in support of the *Liquidating Trustee’s Fifth Omnibus Objection (Non-Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain (I) Same-Debtor Duplicate Claims; and (II) Amended and Superseded Claims* (the “**Objection**”), filed by Matthew Dundon, solely in his capacity as the Liquidating Trustee (the “**Liquidating Trustee**”) of the Fisker Liquidating Trust.

2. I am a Managing Director at Dundon Advisers. In that capacity, I work under the direction of the Liquidating Trustee. I am familiar with the day-to-day operations, businesses, financial affairs, and books and records of Fisker, Inc. and its debtor affiliates (the “**Debtors**”). I make this Declaration on the basis of the review, by myself and those under my direction, of the Debtors’ respective books and records (the “**Books and Records**”), the register of claims (the “**Claims Register**”) prepared and provided by the Debtors’ notice and claims agent, Kurtzman

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the Debtors’ corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.

Carson Consultants dba Verita Global (“**Verita**”), and the Proofs of Claim² filed in these Chapter 11 Cases.

3. All matters set forth in this Declaration are based on: (a) my personal knowledge; (b) my review of relevant documents; (c) my view, based on my experience and knowledge of the Debtors’ operations and Books and Records; (d) information supplied to me by others at my request; and (e) as to matters involving United States bankruptcy law or rules or other applicable laws, my reliance on the advice of counsel or other advisors to the Liquidating Trustee. If called upon to testify, I could and would testify competently to the facts set forth herein.

4. During the Claims reconciliation process, the Reviewing Parties have conducted, and continue to conduct, a review of the Claims filed in the Chapter 11 Cases. In this regard, I, or another person at my direction, participated in the review of both the Claims Register and the Books and Records with respect to identifying certain Claims that are objectionable on non-substantive grounds, i.e., the Same-Debtor Duplicate Claims and the Amended/Superseded Claims. I have read the Objection, the Proposed Order, and **Schedule 1** and **Schedule 2** attached to the Proposed Order, and I am familiar with the information contained therein.

5. Upon the review of the Proofs of Claim filed in these Chapter 11 Cases, I have identified the Disputed Claims. To the best of my knowledge, information, and belief, and insofar as I have been able to ascertain after reasonable inquiry and investigation of the Debtors’ Books and Records, the Proofs of Claim, and all documentation submitted with the Proofs of Claim, each of the Claims listed on **Schedule 1** and **Schedule 2** attached to the Proposed Order represent Disputed Claims that should each be disallowed in full and expunged.

² Any capitalized term used but not otherwise defined herein shall have the meaning ascribed to it in the Objection.

6. Accordingly, based upon my review of the Claims Register and the Books and Records, I believe that granting the relief requested in the Objection is in the best interest of the Liquidating Trust, the Debtors' estates and their creditors.

Dated: March 17, 2025

/s/ Rick Wright

Rick Wright