

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: May 29, 2025 at 10:00 a.m. (ET)

Objection Deadline: April 24, 2025 at 4:00 p.m. (ET)

LIQUIDATING TRUSTEE'S MOTION FOR ENTRY OF AN ORDER FURTHER
EXTENDING THE TIME PERIOD TO FILE AND SERVE OBJECTIONS TO
ADMINISTRATIVE CLAIMS

Matthew Dundon, solely in his capacity as the Liquidating Trustee (the "Liquidating Trustee") of the Fisker Liquidating Trust (the "Liquidating Trust"), hereby submits this motion (the "Motion"), pursuant to sections 105(a) of title 11 of the United States Code (the "Bankruptcy Code"), Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 9006-2 of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), for entry of an order (the "Proposed Order"), substantially in the form attached hereto as Exhibit A, further extending the time for the Liquidating Trustee to file and serve objections to administrative claims, for 122 days, from April 18, 2025, through and including August 18, 2025, without prejudice to the Liquidating Trustee's (or his successor-in-interest's) right to seek further extensions thereof. In support of the Motion, the Liquidating Trustee respectfully states as follows:

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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JURISDICTION AND VENUE

1. The United States District Court for the District of Delaware has jurisdiction over the 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 sought are Bankruptcy Code section 105(a), Bankruptcy Rule 9006(b) and Local Rule 9006-2.

BACKGROUND

A. The Chapter 11 Cases

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

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* (as amended, the “**Plan**”) [D.I. 713].³

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 Motion 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.

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

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. *See* Confirmation Order ¶ 73.

8. On October 17, 2024 (the “**Effective Date**”), the Plan went effective as set forth in the *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 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, subject to the Liquidating Trust Agreement:

[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); and (c) direct the Claims and Noticing Agent to adjust the claims register to reflect any such resolutions without any further notice to or action, order, or approval by the Bankruptcy Court.

See Plan, Article X.B.

B. Administrative Claims Under the Plan and Applicable Deadlines

11. The Plan defined “Administrative Claim” as “any Claim incurred by the Debtors (or their Estates) on or after the Petition Date and before the Effective Date for a cost or expense of administration in the Chapter 11 Cases entitled to priority under sections 503(b) and 507(a)(2) of the Bankruptcy Code.” *See* Plan, Article I.15.

12. The Plan established November 18, 2024 (the “**Administrative Claims Bar Date**”) as the deadline by which claimants were required to file and serve any notice of an Administrative Claim. *See* Plan, Article V.A.1. The Confirmation Order further provided that “[e]xcept as otherwise provided in the Plan or this Order, requests for payment of Administrative Claims must be filed no later than the Administrative Claims Bar Date in accordance with the Plan.” *See* Confirmation Order ¶ 101.

13. The Plan further stated that an Administrative Claim subject to the Administrative Claims Bar Date “shall become an Allowed Administrative Claim if no objection is filed within thirty (30) days after the later of (i) the Effective Date, (ii) the date of service of the applicable notice of Administrative Claim, or (iii) such later date as may be (A) agreed to by the holder of such Administrative Claim or (B) approved by the Bankruptcy Court on motion of a party in interest, without notice or a hearing” (the “**Administrative Claims Objection Deadline**”). *See* Plan, Article V.A.2.

14. On December 4, 2024, the Court entered the *Order Extending the Period to File and Serve Objections to Administrative Claims Through and Including April 18, 2025* [D.I. 817],

extending the Administrative Claims Objection Deadline through and including April 18, 2025 (the “**Initial Extension Period**”).⁴

C. Administrative Claims Reconciliation Process

15. Following the occurrence of the Effective Date, the Liquidating Trustee and his professionals (the “**Reviewing Parties**”) immediately began a review and analysis of Administrative Claims, including Bankruptcy Code section 503(b)(9) claims, asserted against the Debtors’ estates.

16. As part of the review process, during the Initial Extension Period, the Reviewing Parties engaged in settlement discussions with a number of claimants, and achieved resolution of several large asserted Administrative Claims, the terms of which were embodied in stipulations filed on the Court’s docket. *See*, D.I. 816, 818, 836.

17. In addition to the aforementioned settlements, during the Initial Extension Period, two claimants, Vistacal Luxury Imports, Inc. and Shamrock (La Palma) Properties II, commenced litigation against the Liquidating Trust, seeking, among other things, allowance and payment of certain asserted Administrative Claims. Those matters, involving complex motion practice and discovery, remain ongoing and are unresolved as of the date hereof.

18. Additionally, during the Initial Extension Period, the Liquidating Trustee filed a number of omnibus Claim objections, two of which sought to reclassify certain Claims asserting priority entitlement pursuant to Bankruptcy Code section 503(b)(9). *See*, D.I. 888, 890. The Court subsequently entered orders granting those two omnibus objections (as well as others). *See*, D.I. 922, 927, 932.

⁴ Pursuant to Local Rule 9006-2, the filing of this Motion prior to the expiration of the Administrative Claims Objection Deadline automatically extends such deadline until such time as the Court rules on this Motion.

19. Despite the significant progress made in the Chapter 11 Cases thus far with respect to reconciliation of Administrative Claims, the Reviewing Parties continue to discover additional asserted Administrative Claims that must be addressed, either through objections or through consensual agreements with the applicable claimants, if possible.

20. The Liquidating Trustee therefore requires additional time to continue the process of thoroughly reviewing, resolving, and/or objecting to asserted Administrative Claims, including Bankruptcy Code section 503(b)(9) claims.

21. In light of the foregoing, the Liquidating Trustee believes that a further extension of the Administrative Claims Objection Deadline, through and including August 18, 2025, without prejudice to the Liquidating Trustee's right to seek additional extensions if appropriate, is necessary and appropriate under the circumstances.

RELIEF REQUESTED

22. By this Motion, the Liquidating Trustee requests the entry of the Proposed Order further extending Administrative Claims Objection Deadline through and including August 18, 2025, without prejudice to the Liquidating Trustee's right to seek additional extensions if appropriate.

BASIS FOR RELIEF

23. There is ample authority upon which the Court may grant the requested relief. Additionally, the facts and circumstances of these Chapter 11 Cases demonstrate that good cause exists to further extend the Administrative Claims Objection Deadline.

24. Bankruptcy Code section 105(a) provides that "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code]." *See* 11 U.S.C. § 105(a).

25. Further, Bankruptcy Rule 9006(b)(1) provides, in pertinent part, that:

when act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order . . .

See Fed. R. Bankr. P. 9006(b)(1).

26. As outlined above, absent the additional extension, the Liquidating Trustee and the Debtors' estates and creditors may suffer unnecessary and unfair prejudice. Notably, the Liquidating Trustee could be precluded from discovering and potentially challenging invalid and/or overstated Administrative Claims or, alternatively, he could be forced to lodge hastily prepared "protective" objections without the benefit of a full review and analysis by the Reviewing Parties.

27. Conversely, the requested extension will allow the Liquidating Trustee to continue to diligently review the claims register, address any unresolved Administrative Claims and conserve resources for the benefit of all creditors by allowing for adequate time to pursue settlement, and avoid the delay and expense of unnecessary objections and litigation.

28. Moreover, a further extension of the Administrative Claims Objection Deadline will not affect any claimant's substantive defense(s) to any objection lodged by the Liquidating Trustee.

29. The Liquidating Trustee submits that the relief requested herein is reasonable and in the best interests of the Liquidating Trust, the Debtors' estates, creditors, and all stakeholders. The extension sought will afford the Liquidating Trustee additional time to make fully informed decisions with respect to objections to Administrative Claims and will ensure that the Liquidating Trustee does not forfeit valuable objection rights.

NOTICE

30. Notice of this Motion will be provided to: (i) the Office of the U.S. Trustee for the District of Delaware; (ii) all parties who have filed an Administrative Claim that remains outstanding as of the date hereof; and (iii) all parties who have requested notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested herein, the Liquidating Trustee submits that no other or further notice need be given.

CONCLUSION

For all of the reasons set forth herein, the Liquidating Trustee respectfully requests that the Bankruptcy Court enter the Proposed Order granting the relief requested herein and granting such other and further relief as is just and proper.

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Dated: April 10, 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:

FIKER, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Hearing Date: May 29, 2025 at 10:00 a.m. (ET)

Objection Deadline: April 24, 2025 at 4:00 p.m. (ET)

**NOTICE OF LIQUIDATING TRUSTEE'S MOTION FOR ENTRY OF AN ORDER
FURTHER EXTENDING THE TIME PERIOD TO FILE AND SERVE OBJECTIONS
TO ADMINISTRATIVE CLAIMS**

PLEASE TAKE NOTICE, that on April 10, 2025, Matthew Dundon, solely in his capacity as the Liquidating Trustee of the Fisker Liquidating Trust filed the *Liquidating Trustee's Motion for Entry of an Order Further Extending the Time Period to File and Serve Objections to Administrative Claims* (the "**Motion**") with the United States Bankruptcy Court for the District of Delaware (the "**Court**"). A copy of the Motion is enclosed herein.

PLEASE TAKE FURTHER NOTICE, that objections or responses, if any, to the Motion must be filed with the Clerk of the United States Bankruptcy Court for the District of Delaware, 824 N. Market Street, 3rd Floor, Wilmington, Delaware 19801, on or before **April 24, 2025 at 4:00 p.m. (ET)** (the "**Objection Deadline**"). At the same time, you must serve a copy of the objection or response upon the undersigned counsel so as to be received on or before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE, that, if an objection or response is timely filed and served, and such objection or response is not otherwise timely resolved, a hearing with respect to the Motion 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, 5th Floor, Courtroom #5, Wilmington, Delaware 19801 on **May 29, 2025 at 10:00 a.m. (ET)** (the "**Hearing**").

PLEASE TAKE FURTHER NOTICE THAT IF NO OBJECTION OR RESPONSE IS RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY ENTER THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

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.

Dated: April 10, 2025
Wilmington, Delaware

COLE SCHOTZ P.C.

/s/ Justin R. Alberto

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Co-Counsel to the Liquidating Trustee

Exhibit A
Proposed Order

**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 FURTHER EXTENDING THE TIME PERIOD TO FILE AND SERVE
OBJECTIONS TO ADMINISTRATIVE CLAIMS**

THIS MATTER having come before the Court upon the *Liquidating Trustee's Motion for Entry of an Order Further Extending the Time Period to File and Serve Objections to Administrative Claims* (the "**Motion**"),² as more fully described in the Motion; and the Court having reviewed the Motion; and the Court finding that: (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated February 29, 2012; (ii) venue is appropriate pursuant to 28 U.S.C. §§ 1408 and 1409; (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and a final order may be entered on this matter under Article III of the U.S. Constitution; (iv) notice of the Motion was sufficient under the circumstances and no other or further notice is necessary; and (v) a sound business purpose exists for the relief granted herein; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause

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² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The Administrative Claims Objection Deadline is further extended through and including August 18, 2025, without prejudice to the Liquidating Trustee's right to seek further extensions of the Administrative Claims Objection Deadline.
3. The Liquidating Trustee and his authorized representatives are authorized and empowered to take any and all actions necessary to implement the terms of this Order.
4. The terms and conditions of this Order shall be immediately enforceable and effective upon its entry.
5. This Court retains jurisdiction over all matters arising from or related to the interpretation, implementation and enforcement of this Order.