

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

In re:) Chapter 11	
FISKER, INC., <i>et al.</i> ,) Bk. No. 24-11390 (TMH)	
) BK. BAP No. 24-00059	
Debtor.)	
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TOCCATA AUTOMOTIVE)	
GROUP, INC., <i>et al.</i> ,)	
)	
Appellants,)	Civil Action No. 24-1158-JLH
v.)	
)	
FISKER, INC., <i>et al.</i> ,)	
)	
Appellees.)	
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ORDER

At Wilmington, this 28th day of April 2025,

WHEREAS, on October 16, 2024, appellants Toccata Automotive Group, Inc. (“Toccata”) and Phil Harrison (together, “Appellants”), through their counsel Akerman LLP, filed their Notice of Appeal (D.I. 1) with respect to the Bankruptcy Court’s October 11, 2024 *Order Granting Debtors’ Motion (i) to Enforce Enforcement Order; (ii) to Sanction Toccata Automotive Group, Inc. and Phil Harrison for Contempt for Violating the Same; and (iii) for Entry of an Order Requiring Toccata to Pay All of the Costs and Expenses Incurred by the Debtors to Address the Same* (Bankr. D.I. 700);



WHEREAS, by order dated January 13, 2025 (D.I. 14), Akerman LLP was permitted to withdraw as counsel to both Toccata and Phil Harrison,

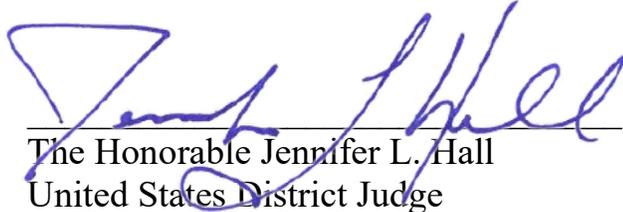
WHEREAS, on March 19, 2025, this Court issued an order (D.I. 18) (the “March 19 Order”): (1) dismissing the appeal with prejudice as to Toccata, (2) directing Phil Harrison to file an opening brief in support of the appeal on or before April 14, 2025; and (3) explaining that Phil Harrison’s failure to file an opening brief by April 14, 2025 shall result in the dismissal of the appeal;

WHEREAS the March 19 Order was served on Phil Harrison via U.S. Mail (D.I. 19), which was later returned for insufficient address, and subsequently by electronic mail, at the last known addresses discernible from the docket; and

WHEREAS the docket reflects that no opening brief nor any request for an extension of the April 14, 2025 deadline has been filed;

Based on the foregoing, it is hereby ORDERED THAT:

1. The appeal is dismissed with prejudice as to Phil Harrison.
2. The Clerk is directed to CLOSE Civil Action No. 24-1158-JLH.


The Honorable Jennifer L. Hall
United States District Judge

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Debtor.)	
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TOCCATA AUTOMOTIVE)	
GROUP, INC., <i>et al.</i> ,)	
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Appellants,)	Civil Action No. 24-1158-JLH
v.)	
)	
FISKER, INC., <i>et al.</i> ,)	
)	
Appellees.)	
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ORDER

At Wilmington, this 19th day of March 2025,

WHEREAS, on October 16, 2024, appellants Toccata Automotive Group, Inc. (“Toccata”) and Phil Harrison (together, “Appellants”) filed their Notice of Appeal (D.I. 1) with respect to the Bankruptcy Court’s October 11, 2024 *Order Granting Debtors' Motion (i) to Enforce Enforcement Order; (ii) to Sanction Toccata Automotive Group, Inc. and Phil Harrison for Contempt for Violating the Same; and (iii) for Entry of an Order Requiring Toccata to Pay All of the Costs and Expenses Incurred by the Debtors to Address the Same* (Bankr. D.I. 700);

WHEREAS, on December 9, 2024, Akerman LLP, counsel for Appellants filed a motion seeking leave to withdraw as counsel to Appellants (D.I. 11) (the “Motion to Withdraw”);

WHEREAS, on January 14, 2025, the Court entered an Order (D.I. 13) (1) granting the Motion to Withdraw, (2) directing Toccata to obtain new counsel and file a notice of appearance within 30 days, and (3) indicating that “[i]f no notice of appearance is filed within 30 days, the appeal (at least as to Toccata) may be dismissed”;

WHEREAS, the 30-day period expired on February 13, 2025, and the docket reflects that no notice of appearance by new counsel has been filed on behalf of Toccata;

WHEREAS, on March 3, 2025, Matthew Dundon, solely in his capacity as the Liquidating Trustee of the Fisker Liquidating Trust (the “Appellee”), filed a motion to dismiss the appeal with prejudice as to Toccata (D.I. 17) (the “Motion to Dismiss”), based on Toccata’s failure to comply with the Court’s January 14, 2025 Order;

WHEREAS, a corporate entity may not appear other than by licensed counsel, *U.S. v. Cocivera*, 104 F.3d 566, 572 (3d Cir. 1996), which Toccata has failed to obtain in the past 60 days;

WHEREAS, appellant Phil Harrison may proceed *pro se* should he so choose; and

WHEREAS, on February 26, 2025, Magistrate Judge Christopher J. Burke issued a recommendation (D.I. 16) (the “Recommendation”) that this case be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court;

IT IS ORDERED that:

1. The Motion to Dismiss (D.I. 17) is granted to the extent set forth herein, and the appeal is dismissed with prejudice as to Toccata.
2. The Recommendation is accepted and briefing on this appeal shall proceed in accordance with the following schedule:
 - Appellant Phil Harrison’s opening brief in support of the appeal is due on or before **April 18, 2025**.
 - Appellees' brief in opposition to the appeal is due on or before **May 19, 2025**.
 - Appellant's reply brief is due on or before **May 27, 2025**.
3. Appellant Phil Harrison’s failure to file an opening brief by April 18, 2025 shall result in the dismissal of the appeal.



The Honorable Jennifer L. Hall
United States District Judge