

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: July 23, 2025 at 10:00 a.m. (ET)

Objection Deadline: July 8, 2025 at 4:00 p.m. (ET)

**MOTION OF THE LIQUIDATING TRUSTEE FOR ENTRY OF AN ORDER FURTHER
EXTENDING THE PERIOD TO FILE AND SERVE OBJECTIONS TO CLAIMS AND
INTERESTS THROUGH AND INCLUDING JANUARY 12, 2026**

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 section 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**”) seeking entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), further extending the time period within which the Liquidating Trustee is authorized to file and serve objections to Claims and Interests (as defined below) by approximately one hundred eighty (180) days, through and including January 12, 2026.

In support of the Motion, the Liquidating Trustee respectfully states as follows:

JURISDICTION, VENUE AND STATUTORY BASIS

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

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.



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 105(a) of the Bankruptcy Code, 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**”), 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.

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

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] confirming the Plan.

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.

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. *See 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: “[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 (the “**Schedules**”) 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 as the deadline for all entities, other than governmental units, to file Proofs of Claim (the “**General Bar Date**”) and (ii) 5:00 p.m. prevailing Eastern Time on December 16, 2024 as the deadline for governmental units to file Proofs of Claim (the “**Government Bar Date**”).

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**”).

15. Consequently, all applicable Bar Dates have passed.

C. Claim Objection Deadlines

16. Pursuant to the *Order Further Extending the Time Period to File and Serve Objections to Administrative Claims* [D.I. 983], the deadline for the Liquidating Trustee to object

to Administrative Claims, including claims under Bankruptcy Code section 503(b)(9), is August 18, 2025, subject to the Liquidating Trustee's right to seek additional extensions.

17. Pursuant to the *Order Extending the Time Period Within Which the Liquidating Trustee May 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 currently July 14, 2025 (the “**Prepetition Claim and Interest Objection Deadline**”), subject to the Liquidating Trustee's right to seek additional extensions.

D. The Claims and Interest Reconciliation Process

18. In the ordinary course of business, the Debtors maintained books and records (the “**Books and Records**”) that reflect, *inter alia*, the Debtors' liabilities and the amounts owed to their creditors.

19. The Liquidating Trustee and his advisors (the “**Reviewing Parties**”) have been and continue to undertake a comprehensive review of the Proofs of Claim and Interests filed in these Chapter 11 Cases, including any supporting documentation and a comparison of these documents with the Books and Records to determine the validity of the Proofs of Claim and Interests. This process includes identifying categories of Claims and Interests that may be targeted for disallowance and expungement, reduction and/or reclassification.

20. In connection therewith, the Liquidating Trustee sought and obtained approval of certain omnibus objection procedures intended to promote a Claims and Interest reconciliation process that is conducted in a timely, efficient, and cost-effective manner.⁴

⁴ See *Order Granting Liquidating Trustee's Motion (I) Leave from Local Rule 3007-1(f) Related to the Filings of Substantive Omnibus Claim Objections; and (II) Related Relief* [D.I. 894].

21. Since the Effective Date, the Liquidating Trustee has filed and/or prosecuted ten (10) omnibus objections to Claims and/or Interests, focusing mainly on reclassification and/or disallowance and expungement in whole or in part of priority, secured and administrative Claims (**“PSA Claims”**).

22. In addition to, and as part of, the formal objection process, the Liquidating Trustee continues to make progress in resolving certain remaining Claims and Interests through stipulated withdrawals, settlements and/or consensual reconciliations.

23. While the Liquidating Trustee has made considerable progress in his Claims and Interests reconciliation process, additional objections will be required to resolve as-yet unreconciled Claims and Interests. More specifically, the process moving forward will focus mainly on the reconciliation of general unsecured Claims, along with the continued reconciliation of the remaining, unresolved PSA Claims.

24. Accordingly, the Liquidating Trustee requires more time to effectively review, resolve, and/or object to remaining and unresolved Claims and Interests, and believes that a further extension of the Prepetition Claim and Interest Objection Deadline by approximately one hundred eighty (180) days, through and including January 12, 2026, is therefore necessary and appropriate under the circumstances.

RELIEF REQUESTED

25. By this Motion, the Liquidating Trustee respectfully requests entry of the Proposed Order extending the Prepetition Claim and Interest Objection Deadline through and including

January 12, 2026, without prejudice to the Liquidating Trustee's right to seek additional extensions.⁵

BASIS FOR RELIEF

26. The Plan, the Bankruptcy Code, and the Bankruptcy Rules provide ample authority on which the Court may grant the requested relief. Additionally, the facts and circumstances of these Chapter 11 Cases plainly demonstrate that cause exists to further extend the Prepetition Claim and Interest Objection Deadline.

27. First, the Plan explicitly authorizes the Court to enter orders extending the Prepetition Claim and Interest Objection Deadline, which will expire unless further extended. *See* Plan, Article X.B.

28. Second, Bankruptcy Rule 9006 permits the Court to extend deadlines for cause. Specifically, Bankruptcy Rule 9006 provides, in pertinent part: “[w]hen... an act to be performed at or within a specified period... the court may – at any time and for cause – extend the time to act.” *See* Fed. R. Bankr. P. 9006(b)(1).

29. Additionally, 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).

30. As discussed above, the Liquidating Trustee has made, frankly, remarkable progress to date in diligently advancing the Claims and Interest reconciliation process. Specifically, in the roughly eight months since his appointment, the Liquidating Trustee has filed and/or prosecuted ten (10) omnibus objections to Claims and/or Interests, primarily focused on

⁵ Pursuant to Local Rule 9006-2, the filing of this Motion prior to the expiration of the Prepetition Claim and Interest Objection Deadline automatically extends such deadline(s) until such time as the Court rules on this Motion.

reclassification and/or disallowance and expungement in whole or in part of PSA Claims. A hearing on the Liquidating Trustee's ninth and tenth omnibus objections to Claims is currently set for July 23, 2025. *See* D.I. 1054, 1055.

31. In addition to, and as part of, the formal objection process, the Liquidating Trustee continues to make key progress in resolving certain disputed Claims and Interests through stipulated withdrawals and/or settlements and intends to continue efforts to resolve Claims and Interests consensually, to the extent possible, with the goal of conserving estate resources.

32. The next phase of the Claims and Interest reconciliation process is expected to focus on general unsecured Claims, in addition to the remaining, unresolved PSA Claims.

33. In addition to the ongoing Claims and Interest reconciliation process, the Liquidating Trustee and his professionals remain engaged in numerous other time-sensitive and important tasks. These tasks include, but are not limited to the: (i) ongoing monetization of valuable estate assets; (ii) investigation into potential litigation claims against certain of the Debtors' former officers and directors and other parties; (iii) various initiatives aimed at addressing vehicle recall-related matters and Plan compliance, including extensive engagement with the Fisker Owners' Association and NHTSA and its counsel at the U.S. Department of Justice; (iv) ongoing discussions with the Securities and Exchange Commission regarding responses to discovery requests; and (v) preparation and filing of operating reports.

34. In light of the foregoing, the Liquidating Trustee respectfully submits that a further extension of the Prepetition Claim and Interest Objection Deadline through and including January 12, 2026 is fundamental to the continued efficient administration of the Debtors' estates and is in the best interests of the Liquidating Trust, the Debtors' estates and their creditors. It is simply beyond reasonable dispute that the Liquidating Trustee is working diligently and in good faith to

generate value for creditors through a cost-effective review and reconciliation of Claims and Interests.

35. Moreover, the requested extension of the Prepetition Claim and Interest Objection Deadline will not prejudice any claimant or other party-in-interest and will benefit creditors holding valid Claims and Interests. To be clear, a further extension of the Prepetition Claim and Interest Objection Deadline is not sought for purposes of delay, nor will it affect any claimant's substantive defense(s) to any objection interposed by the Liquidating Trustee. Rather, the extension is intended to ensure that Claims and Interests will only be challenged if appropriate after the Liquidating Trustee completes a substantive and comprehensive review.

36. Absent the extension, creditors may suffer unnecessary and unfair prejudice. Either the Liquidating Trustee will be precluded from challenging invalid and/or overstated Claims and Interests or, alternatively, it will be forced to lodge hastily prepared "protective" objections that may not be cost-effective and/or prepared without the benefit of a full review and analysis by the Liquidating Trustee and his professionals.

NOTICE

37. Notice of this Motion has been provided to (i) the Office of the United States Trustee for the District of Delaware; and (ii) those parties that have requested notice pursuant to Bankruptcy Rule 2002. In light of the procedural nature of the post-confirmation relief requested herein, the Liquidating Trustee submits that such notice is sufficient under the circumstances and that no other or further notice is required.

CONCLUSION

38. For all the foregoing reasons, Liquidating Trustee respectfully requests that the Court (i) enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, further

extending the Prepetition Claim and Interest Objection Deadline for a period of approximately one hundred eighty (180) days, from July 14, 2025 through and including January 12, 2026, without prejudice to the Liquidating Trustee's right to seek additional extensions of such deadline as appropriate; and (ii) grant such other and further relief as the Court may deem just and proper.

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Dated: June 24, 2025
Wilmington, Delaware

COLE SCHOTZ P.C.

/s/ Melissa M. Hartlipp

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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: July 23, 2025 at 10:00 a.m. (ET)

Objection Deadline: July 8, 2025 at 4:00 p.m. (ET)

**NOTICE OF MOTION OF THE LIQUIDATING TRUSTEE FOR ENTRY OF AN
ORDER FURTHER EXTENDING THE PERIOD TO FILE AND SERVE OBJECTIONS
TO CLAIMS AND INTERESTS THROUGH AND INCLUDING JANUARY 12, 2026**

PLEASE TAKE NOTICE, that on June 24, 2025, Matthew Dundon, solely in his capacity as the Liquidating Trustee (the “**Liquidating Trustee**”) of the Fisker Liquidating Trust filed the *Motion of the Liquidating Trustee for Entry of an Order Further Extending the Period to File and Serve Objections to Claims and Interests Through and Including January 12, 2026* (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 **July 8, 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 **July 23, 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: June 24, 2025
Wilmington, Delaware

COLE SCHOTZ P.C.

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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 WITHIN WHICH THE
LIQUIDATING TRUSTEE MAY FILE AND SERVE OBJECTIONS TO CLAIMS AND
INTERESTS THROUGH AND INCLUDING JANUARY 12, 2026**

THIS MATTER having come before the Court² upon the motion (the “**Motion**”) of Matthew Dundon, solely in his capacity as the Liquidating Trustee (the “**Liquidating Trustee**”) of the Fisker Liquidating Trust, pursuant to Bankruptcy Code section 105(a), Bankruptcy Rule 9006(b), and Local Rule 9006-2, seeking entry of an order further extending the time period by which the Liquidating Trustee is authorized to file and serve objections to Claims and Interests by approximately one hundred eighty (180) days, through and including January 12, 2026, as more fully described in the Motion; 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 Motion and opportunity for response having been given; and it appearing that no other notice need be given; and the Court having considered the Motion and any responses thereto; and upon the record herein; and, after due deliberation and

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

sufficient cause appearing therefore,

It is hereby ORDERED that:

1. The Motion is GRANTED as set forth herein.
2. The Prepetition Claim and Interest Objection Deadline is extended through and including January 12, 2026.
3. The relief granted herein is without prejudice to the Liquidating Trustee's right to seek further extensions of the Prepetition Claim and Interest Objection Deadline.
4. 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.
5. The terms and conditions of this Order shall be immediately enforceable and effective upon its entry.
6. This Court retains jurisdiction over all matters arising from or related to the interpretation, implementation and enforcement of this Order.