

Case 24-11390-TMH

Page 1 of 4

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

In re:

ISKER, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Hearing Date: September 3, 2025 at 11:00 a.m. (ET)
Objection Deadline: August 22, 2025 at 4:00 p.m. (ET)

**DECLARATION OF DIVYA PATEL IN RESPONSE TO LIQUIDATING TRUSTEE'S
ELEVENTH OMNIBUS OBJECTION (NON-SUBSTANTIVE) PURSUANT TO 11 U.S.C.
§ 502, FED. R. BANKR. P. 3007 AND LOCAL RULE 3007-1 TO CERTAIN LATE-FILED
CLAIMS.**

INTRODUCTION

This declaration is made by Divya Patel, herein referred to as the "Declarant," a creditor in the bankruptcy case pending before the United States Bankruptcy Court for the District of Delaware. This declaration is filed in opposition to the Liquidating Trustee's Eleventh Omnibus Objection (Non-Substantive) to Certain Late-Filed Claims, dated September 16th, 2024, which seeks to disallow and expunge the Declarant's claim. The Declarant submits this declaration in support of the ongoing proceedings and to assist in the resolution of the bankruptcy case.

BACKGROUND INFORMATION

This declaration is made by Divya Patel ("Declarant"), in connection with the bankruptcy case pending before the United States Bankruptcy Court for the District of Delaware. The Declarant hereby provides the following background information to elucidate their involvement in the case, as well as their financial history and interactions with the Debtor and the Omnibus Liquidating Trustee, Fisker, Inc, et al. ("Trustee").

Declarant holds a valid and enforceable claim against the Debtor's estate in the amount of \$76,000, arising from the purchase of a Fisker, Inc. vehicle. All required documentation



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supporting this claim, including proof of purchase, payment records, and related correspondence, was submitted in accordance with applicable bankruptcy procedures. The claim represents actual damages suffered by the Declarant and meets all requirements for allowance under 11 U.S.C. § 502.

The Declarant's history with the creditor predates the bankruptcy filing, with financial transactions and obligations that have been part of the broader context of the Declarant's financial difficulties. Specific details of these transactions and obligations have been disclosed in the bankruptcy filings and are part of the official record of this case.

By providing this background information, Declarant aims to offer transparency and insight into their financial situation, the circumstances leading to the bankruptcy filing, and their interactions with the creditor and Trustee throughout the bankruptcy process.

RESPONSE TO CREDITOR CLAIM

The Declarant, Divya Patel, hereby submits this response to the claim filed by the debtor in the above-captioned matter. After thorough review and analysis of the claim as presented, and based on substantial supporting evidence, the Declarant disputes the claim on the following grounds:

- The proof of claim was received on September 16, 2024, five days after the Bar Date deadline due to circumstances beyond the Declarant's control. Specifically, Hurricane Debby, Helene and Idalia caused significant disruptions to US Postal Service operations in Florida, where Declarant resides, constituting "excusable neglect" under *Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership*, 507 U.S. 380 (1993). The Declarant exercised reasonable diligence in preparing and submitting the claim, and the brief delay caused no prejudice to the bankruptcy estate or other parties in interest.

In light of this dispute, the Declarant requests an allowance of the claim by the Trustee. The Declarant reserves all rights to further contest the claim, including through legal proceedings, should the matter not be resolved to the Declarant's satisfaction.

Should the review of the claim result in an agreement on validity of the claim, the Declarant is prepared to work with the Trustee to facilitate a resolution in accordance with the bankruptcy proceedings and applicable law.

RESPONSE TO OMNIBUS LIQUIDATING TRUSTEE OBJECTION

This declaration is made by Divya Patel ("Declarant"), in response to the objection raised by Fisker, Inc, et al. ("Trustee"), acting in their capacity as the Omnibus Liquidating Trustee. The Declarant hereby presents the following points in support of her position against the Trustee's objection:

1. The Declarant asserts that all financial disclosures and transactions subject to the Trustee's objection have been conducted transparently and in full compliance with applicable laws and regulations governing bankruptcy proceedings within the jurisdiction of the United States Bankruptcy Court for the District of Delaware.
2. The Declarant further contends that the Trustee's objection lacks substantial evidence and fails to consider the comprehensive documentation and explanations provided by the Declarant, detailing the nature and purpose of the contested transactions.
3. Moreover, the Declarant emphasizes the importance of considering the equitable principles that underlie bankruptcy law, arguing that the Trustee's objection, if upheld, would unjustly prejudice the Declarant's rights and interests without just cause or sufficient legal basis.
4. In support of her position, the Declarant is prepared to furnish additional evidence, including but not limited to, financial records, expert testimony, and legal precedents that validate the legitimacy of her actions and counter the objections raised by the Trustee.

The Declarant respectfully requests that the Court consider the arguments and evidence presented herein and dismiss the Trustee's objection accordingly.

CONCLUSION

This Declaration, made by Divya Patel ("Declarant"), summarizes the key points addressed herein and reiterates the Declarant's position concerning the creditor's claim and the objection raised by the Omnibus Liquidating Trustee ("Trustee").

Firstly, the Declarant has outlined the factual and legal basis challenging the validity of the creditor's claim against her. Through detailed analysis and supporting evidence, the Declarant has demonstrated the validity and timeliness of her claim under applicable bankruptcy law and procedure within the jurisdiction of the United States Bankruptcy Court for the District of Delaware.

Secondly, regarding the objection by the Trustee, the Declarant has provided a comprehensive rebuttal, emphasizing the legal and factual inaccuracies contained within the Trustee's objection. The Declarant has made clear her position that the Trustee's objection lacks merit, both on legal and factual grounds, and should therefore be dismissed by the Court.

In conclusion, Divya Patel stands firm in her defense against the creditor's claim and the Trustee's objection, asserting her rights and presenting a strong case for the dismissal of both. It is her sincere hope that this Declaration serves to clarify her position and aids the Court in reaching a just and equitable resolution.

SIGNATURE

I, Divya Patel, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed on August 10, 2025.

/S/ Divya Patel

Divya Patel, Declarant

Date: August 10, 2025

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
ELEVENTH OMNIBUS OBJECTION (NON-SUBSTANTIVE) PURSUANT TO 11 U.S.C.
§ 502, FED. R. BANKR. P. 3007 AND LOCAL RULE 3007-1 TO CERTAIN LATE-FILED
CLAIMS**

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

1. I submit this declaration (the “**Declaration**”) in support of the *Liquidating Trustee’s Eleventh Omnibus Objection (Non-Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain Late-File Claims* (the “**Objection**”),² 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 Debtors’ day-to-day operations, businesses, financial affairs, and Books and Records. 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 register of claims (the “**Claims Register**”) prepared and provided by the Debtors’ (and 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.

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

Liquidating Trust's) notice and claims agent, Kurtzman Carson Consultants dba Verita Global, and the Proofs of Claim 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. I have read the Objection, the Proposed Order, and **Schedule 1** attached to the Proposed Order, and I am familiar with the information contained therein. To the best of my knowledge and belief, and based on the information and records available to me, the assertions made in the Objection are accurate.

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 Disputed Claims that are objectionable on non-substantive grounds, i.e., the Late-Filed Claims.

5. Upon the review of the Proofs of Claim filed in these Chapter 11 Cases, I have identified the Late-Filed 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** attached to the Proposed Order were filed after the applicable Bar Date and therefore constitute Late-Filed Claims that should each be disallowed in full and expunged.

6. Failure to disallow and expunge the Late-Filed Claims could result in the applicable claimants receiving an unwarranted and duplicate recovery if any such Claim(s) is ultimately allowed.

7. Moreover, disallowance of these Claims will enable the Liquidating Trust to maintain a Claims Register that more accurately reflects the Claims that exist against the Debtors. As such, I believe that disallowance and expungement of the Late-Filed Claims is appropriate.

8. 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: August 1, 2025

/s/ Rick Wright
Rick Wright

41. Accordingly, the Late-Filed Claims are untimely under the Bar Date Order, the Plan and/or the Confirmation Order and should be disallowed in their entirety and expunged pursuant to Bankruptcy Code section 502(b)(9). Moreover, permitting the Late-Filed Claims would hinder the bankruptcy process and the Plan because parties that filed late Claims could receive a recovery to which they are not entitled to the detriment of holders of properly filed allowed Claims if such Late-Filed Claims were ultimately allowed. *See e.g., Bank of Am. Nat'l Trust & Sav. Ass'n v. 203 N. LaSalle St. P'ship*, 526 U.S. 434, 453 (1999) (bar dates play an essential role in the important goal of maximizing property available to satisfy creditors).

RESPONSES TO OMNIBUS OBJECTIONS

42. To contest the Objection, a claimant must file and serve a written response to this Objection (a "**Response**") so that it is received no later than August 22, 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, 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.

43. 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;

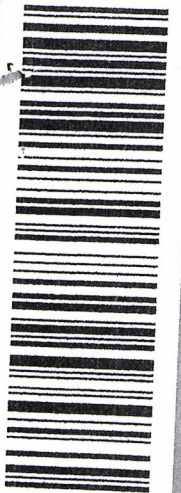
FROM:

DIVYA PATEL

30224 VEE SAN MARCO CT.

FOR MYERS, EL 33405

CERTIFIED MAIL



958 50710 5270 0352 5497 80

TO:

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF DELAWARE

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Retail



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