

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)

Re: D.I. 956, 976, 986, 987, 990, 991, 999, 1000,
1013, 1014, 1015

OMNIBUS REPLY IN FURTHER SUPPORT OF THE LIQUIDATING TRUSTEE'S
SIXTH AND SEVENTH OMNIBUS OBJECTIONS TO CERTAIN 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 omnibus reply (the "**Omnibus Reply**") in further support of the: (i) *Liquidating Trustee's Sixth Omnibus Objection (Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain Misclassified Claims* [D.I. 956] (the "**Sixth Omnibus Objection**"); and (ii) *Liquidating Trustee's Seventh Omnibus Objection (Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain (I) No Liability; and (II) Misclassified Claims* [D.I. 976] (the "**Seventh Omnibus Objection**"). The Liquidating Trustee respectively represents 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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REPLY

A. Sixth Omnibus Objection

1. On April 14, 2025, the Liquidating Trustee filed the Sixth Omnibus Objection, seeking to reclassify the priority status of certain Misclassified Claims² and setting a May 29, 2025 hearing (the “**Hearing**”) thereon.

2. The deadline for claimants to file and serve a response to the Sixth Omnibus Objection was May 5, 2025 at 4:00 p.m. ET.

3. On April 15, 2025, the Liquidating Trust’s (and formerly, the Debtors’) claims and noticing agent, Kurtzman Carson Consultants, LLC dba Verita Global (“**Verita**”) filed a certificate of service [D.I. 958] stating that, on April 14, 2025, Verita caused the Sixth Omnibus Objection to be served upon the applicable parties via the methods indicated therein.

4. The Liquidating Trustee received one (1) response to the Sixth Omnibus Objection from *pro se* claimant Paul B. Tuzo IV [D.I. 986] (the “**Tuzo Response**”).

5. Other than the Tuzo Response, no other responses were received to the Sixth Omnibus Objection. *See Certification of Counsel Regarding Liquidating Trustee’s Sixth Omnibus Objection (Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain Misclassified Claims* [D.I. 996], filed on May 5, 2025.

6. The Tuzo Response remains pending and unresolved and will go forward at the Hearing.

7. The Liquidating Trustee’s position with respect to the Tuzo Objection is set forth on the Sixth Omnibus Objection Response Chart attached hereto as **Exhibit A**.

² Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to them in either the Sixth Omnibus Objection or the Seventh Omnibus Objection, as applicable.

B. Seventh Omnibus Objection

8. On April 23, 2025, the Liquidating Trustee filed the Seventh Omnibus Objection, seeking to disallow in full and expunge certain No Liability Claims and to reclassify the priority status of certain Misclassified Claims, and setting the Hearing for May 29, 2025.

9. The deadline for claimants to file and serve a response to the Seventh Omnibus Objection was May 14, 2025 at 4:00 p.m. ET.

10. On April 29, 2025, Verita filed a certificate of service [D.I. 985] stating that, on April 23, 2025, Verita caused the Seventh Omnibus Objection to be served upon the applicable parties via the methods indicated therein.

11. The Liquidating Trustee received eight (8) responses from claimants to the Seventh Omnibus Objection, some of which were filed on the Court's docket and some of which were interposed informally by e-mails to co-counsel to the Liquidating Trustee, as outlined on the Seventh Omnibus Objection Response Chart.

12. The Liquidating Trustee, through his counsel, has been in contact with a number of the responding claimants to address the responses to the Seventh Omnibus Objection and, in some cases, explain the Liquidating Trustee's position with respect to the disputed claims and/or provide further information.

13. As noted on the Seventh Omnibus Objection Response Chart, the Liquidating Trustee has resolved a number of the responses to the Seventh Omnibus Objection, while others still remain pending and unresolved. Those responses that remain pending and unresolved, in whole or in part, will go forward at the Hearing.

14. The Liquidating Trustee's position with respect to each of the responses to the Seventh Omnibus Objection (and/or the resolution reached with the applicable claimant) is set forth on the Seventh Omnibus Objection Response Chart attached hereto as **Exhibit B**.

CONCLUSION

15. The Liquidating Trustee respectfully requests that this Court (i) enter revised proposed orders sustaining the Sixth Omnibus Objection and the Seventh Omnibus Objection; and (ii) grant such other and further relief as is just and proper.

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Dated: May 23, 2025
Wilmington, Delaware

COLE SCHOTZ P.C.

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Co-Counsel to the Liquidating Trustee

Exhibit A

Sixth Omnibus Objection Response Chart

Responding Claimant	Claim Number(s)	Summary of Claimant Response	Liquidating Trustee's Position
Tuzo, Paul [D.I. 986]	2083	Claimant disagrees with the Liquidating Trustee's inclusion of Claim No. 2083 in the Sixth Omnibus Objection as a Misclassified Claim.	<p>Claimant holds no lien to secure the Claim, and the Claim is therefore ineligible for secured status.</p> <p>Accordingly, Claim No. 2083 should be reclassified to general unsecured status.</p> <p>The Hearing will go forward as to the Liquidating Trustee's request to reclassify Claim No. 2083 to general unsecured status.</p>

Exhibit B

Seventh Omnibus Objection Response Chart

Responding Claimant	Claim Number(s)	Summary of Claimant Response	Liquidating Trustee's Position
Barone, Giovanni [D.I. 1014, 1015]	1275	Claimant filed a supplemental response to the Seventh Omnibus Objection in which he agreed that reclassification of Claim No. 1275 to a general unsecured Claim is appropriate because he holds no lien to secure the Claim, and the Claim is therefore ineligible for secured status.	<p>Claimant does not oppose the relief sought in the Seventh Omnibus Objection.</p> <p>Accordingly, Claim No. 1275 should be reclassified to general unsecured status.</p>
Bhat, Rakesh	3827	Following discussions with counsel to the Liquidating Trustee, claimant agreed that reclassification of Claim No. 3827 to a general unsecured Claim as set forth in the Seventh Omnibus Objection is appropriate because he holds no lien to secure the Claim, and the Claim is therefore ineligible for secured status.	<p>Claimant does not oppose the relief sought in the Seventh Omnibus Objection.</p> <p>Accordingly, Claim No. 3827 should be reclassified to general unsecured status.</p>
Ceckauskas, Simas [D.I. 1000]	449, 468	Following discussions with counsel to the Liquidating Trustee, claimant agreed that reclassification of Claim Nos. 449 and 468 to general unsecured Claims as set forth in the Seventh Omnibus Objection is appropriate because he holds no lien to secure the Claims, and the Claims are therefore ineligible for secured status.	<p>Claimant does not oppose the relief sought in the Seventh Omnibus Objection.</p> <p>Accordingly, Claim Nos. 449 and 468 should be reclassified to general unsecured status.</p>
Desai, Virag [D.I. 999]	480	Claimant disagrees with the Liquidating Trustee's inclusion of Claim No. 480 in the Seventh Omnibus Objection as a No Liability Claim. Claimant also disagrees with the Liquidating Trustee's alternate relief sought, i.e., that Claim No. 480 should be reclassified to general unsecured status because claimant holds no lien to secure the Claim, and the Claim is therefore ineligible for secured status.	<p>Following review of claimant's response, the Liquidating Trustee agrees to withdraw its request to disallow in full and expunge Claim No. 480 as a No Liability Claim.</p> <p>However, the Liquidating Trustee maintains that reclassification of Claim No. 480 to a general unsecured Claim as set forth in the Seventh Omnibus Objection is appropriate because claimant holds no lien to secure the Claim, and the Claim is therefore ineligible for secured status.</p> <p>The Hearing will go forward as to the Liquidating Trustee's request to reclassify Claim No. 480 to general unsecured status.</p>

Responding Claimant	Claim Number(s)	Summary of Claimant Response	Liquidating Trustee's Position
Giarritta, John	2011	On May 1, 2025, Claimant contacted counsel to the Liquidating Trustee by e-mail requesting a further explanation of the relief sought in the Seventh Omnibus Objection with respect to Claim No. 2011. On May 1, 2025, counsel to the Liquidating Trustee transmitted an e-mail response to claimant explaining that Liquidating Trustee's position is that the Claim as filed does not set forth sufficient information to evidence a valid Claim (i.e., the only information provided was information concerning the purchase of the vehicle and no basis for a claim against the estate was provided). Furthermore, the Liquidating Trustee noted that he disputes that the Claim is entitled to secured status because the claimant holds no lien to secure the Claim. Claimant failed to provide a further response or file an objection to the relief sought with the Court.	<p>The Debtors' Books and Records reflect that there are no amounts owed to this claimant with respect to Claim No. 2011. Additionally, the Claim does not include sufficient information or documentation to constitute <i>prima facie</i> evidence of a valid claim, and claimant failed to provide such information in response to the Seventh Omnibus Objection or otherwise object to the Seventh Omnibus Objection. Further, claimant holds no lien to secure the Claim, and the Claim is therefore ineligible for secured status.</p> <p>Accordingly, Claim No. 2011 should be disallowed in full and expunged. Alternately, the Claim should be reclassified to general unsecured status.</p> <p>The Hearing will go forward as to the Liquidating Trustee's request to disallow and expunge Claim No. 2011 or, alternately, to reclassify Claim No. 2011 to general unsecured status.</p>
Jones, Adiah	3986	<p>On May 13, 2025, counsel to the Liquidating Trustee and counsel to Ms. Jones conferred via telephone and via e-mail regarding the inclusion of Claim No. 3986 in the Seventh Omnibus Objection as a Misclassified Claim. Following such discussions, claimant agreed that reclassification of Claim No. 3986 to a general unsecured Claim as set forth in the Seventh Omnibus Objection is appropriate because she holds no lien to secure the Claim, and the Claim is therefore ineligible for secured status.</p> <p>Additionally, the Liquidating Trustee agreed to withdraw his additional pending objection to Claim No. 3986 as a late-filed Claim, as set forth in the <i>Liquidating Trustee's Fourth 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> [D.I. 910].</p>	<p>Claimant does not oppose the relief sought in the Seventh Omnibus Objection.</p> <p>Accordingly, Claim No. 3986 should be reclassified to general unsecured status.</p>

Responding Claimant	Claim Number(s)	Summary of Claimant Response	Liquidating Trustee's Position
Ortiz, Osnalza [D.I. 1013]	3870	Claimant disagrees with the Liquidating Trustee's inclusion of Claim No. 3870 in the Seventh Omnibus Objection as a Misclassified Claim.	<p>Claimant holds no lien to secure the Claim, and the Claim is therefore ineligible for secured status.</p> <p>Accordingly, Claim No. 3870 should be reclassified to general unsecured status.</p> <p>The Hearing will go forward as to the Liquidating Trustee's request to reclassify Claim No. 3870 to general unsecured status.</p>
Selvidge, Linda [D.I. 990, 991]	510	Following discussions with claimant and review of claimant's response, the Liquidating Trustee agrees to remove Claim No. 510 from the Seventh Omnibus Objection.	Claim No. 510 will be removed from the Seventh Omnibus Objection on consent of the parties.