

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

FIKER, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

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

Objection Deadline: July 14, 2025 at 4:00 p.m. (ET)

LIQUIDATING TRUSTEE'S NINTH OMNIBUS OBJECTION (SUBSTANTIVE)  
PURSUANT TO 11 U.S.C. § 502, FED. R. BANKR. P. 3007 AND LOCAL RULE 3007-1  
TO CERTAIN (I) SATISFIED CLAIMS; AND (II) NO LIABILITY CLAIMS

TO THE HOLDERS OF CLAIMS ON SCHEDULE 1 AND SCHEDULE 2 TO THE  
PROPOSED ORDER ANNEXED HERETO AS EXHIBIT A:

- YOUR SUBSTANTIVE RIGHTS MAY BE AFFECTED BY THIS OBJECTION AND BY ANY FURTHER OBJECTION THAT MAY BE FILED BY THE LIQUIDATING TRUSTEE
- YOU ARE DIRECTED TO LOCATE YOUR CLAIM ON SCHEDULE 1 OR SCHEDULE 2 ATTACHED TO THE PROPOSED ORDER
- THE RELIEF SOUGHT HEREIN IS WITHOUT PREJUDICE TO THE LIQUIDATING TRUSTEE'S RIGHTS, OR THE RIGHTS OF OTHER PARTIES-IN-INTEREST, TO PURSUE FURTHER SUBSTANTIVE OR NON-SUBSTANTIVE OBJECTIONS AGAINST THE CLAIMS ADDRESSED HEREIN

Matthew Dundon, solely in his capacity as the Liquidating Trustee (the "Liquidating Trustee") of the Fisker Liquidating Trust (the "Liquidating Trust"), hereby submits this ninth omnibus objection (substantive) (the "Objection") seeking entry of an order (the "Proposed Order"), substantially in the form annexed hereto as Exhibit A, pursuant to, *inter alia*, section 502 of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007 of the Federal

<sup>1</sup> 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.



Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 3007-1 of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”): (i) disallowing in full and expunging the satisfied Claims<sup>2</sup> listed on **Schedule 1** to the Proposed Order (“**Satisfied Claims**”); and (ii) disallowing in full and expunging the Claims listed on **Schedule 2** to the Proposed Order for which the Debtors’ estates have no liability (the “**No Liability Claims**” and together with the Satisfied Claims, the “**Disputed Claims**”), according to the Books and Records (defined below).<sup>3</sup> In support of the Objection, the Liquidating Trustee submits the Declaration of Rick Wright (the “**Wright Declaration**,” a copy of which is attached hereto as **Exhibit B** and incorporated by reference herein), and respectively represents as follows:

### **JURISDICTION, VENUE AND STATUTORY BASIS**

1. The United States District Court for the District of Delaware has jurisdiction over this Objection 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.<sup>4</sup>

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<sup>2</sup> Any capitalized term used but not otherwise defined herein shall have the meaning ascribed to it in the Plan (as defined below).

<sup>3</sup> The Liquidating Trustee expressly reserves all of his rights to interpose additional substantive and/or non-substantive objections to the Disputed Claims, if necessary, at a later date, and for any reason.

<sup>4</sup> 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 Objection 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. The statutory bases for the relief requested herein are Bankruptcy Code section 502, Bankruptcy Rule 3007, and Local Rule 3007-1.

### **BACKGROUND**

#### **A. The Chapter 11 Cases**

4. On June 17 and 19, 2024, as applicable (the “**Petition Date**”), Fisker, Inc. and its debtor affiliates (collectively, 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].

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.

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

December 16, 2024 (the “**Government Bar Date**”) as the deadline for governmental units to file Proofs of Claim.

14. The Plan and the Confirmation Order provided that holders of Administrative Claims 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 Claims Bar Date**” and, together with the General Bar Date and the Government Bar Date, the “**Bar Dates**”). *See* Confirmation Order, ¶ 100; *see also* Plan, Article I.15.

15. Consequently, all applicable Bar Dates have passed.

**C. Claim Objection Deadlines**

16. Pursuant to the *Order Further Extending the 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 Period to 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 other than Administrative Claims is July 14, 2025, subject to the Liquidating Trustee’s right to seek additional extensions.

**D. The Claims Resolution 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. As of the Effective Date, the register of claims (the “**Claims Register**”) evidenced over 700 filed and scheduled Claims totaling in excess of \$112 million across all priority levels.

20. The Liquidating Trustee and his advisors (the “**Reviewing Parties**”) have been and continue to undertake a thorough review and analysis of the Claims 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 Claims. This process includes identifying categories of claims that may be targeted for disallowance and expungement, reduction and/or reclassification.

21. In connection therewith, the Trust sought and obtained approval of certain omnibus objection procedures (the “**Claims Objection Procedures**”) intended to promote a Claims reconciliation process that is conducted in a timely, efficient, and cost-effective manner.<sup>5</sup>

22. Since the Effective Date, the Liquidating Trustee has filed and prosecuted numerous objections to Claims, with additional omnibus objections to Claims anticipated.

23. The Reviewing Parties have reviewed the Disputed Claims and have determined that such Claims are objectionable on substantive grounds and should be disallowed and expunged in full because such Claims are satisfied or because the Books and Records show that the Debtors’ estates have no liability on account of such Claims, as set forth on **Schedule 1** and **Schedule 2** to the Proposed Order, as applicable.

### **RELIEF REQUESTED**

24. By this Objection and for the reasons described more fully herein, the Liquidating Trustee objects to the Disputed Claims set forth on **Schedule 1** and **Schedule 2** to the Proposed Order. The Liquidating Trustee respectfully requests entry of the Proposed Order disallowing in full and expunging the Disputed Claims.

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<sup>5</sup> *Order Granting Liquidating Trustee’s Motion for (I) Leave from Local Rule 3007-1(f) Relating to the Filing of Substantive Omnibus Claim Objections and (II) Related Relief* [Docket No. 894].

**BASIS FOR RELIEF**

25. Section 502(a) of the Bankruptcy Code provides, in pertinent part, as follows: “[a] claim or interest, proof of which is filed under section 501 of [the Bankruptcy Code], is deemed allowed, unless a party in interest . . . objects.” *See* 11 U.S.C. § 502(a). Further, section 502(b)(1) of the Bankruptcy Code provides that a court “shall determine the amount of such claim . . . as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—such claim is unenforceable against the debtor and the property of the debtor . . . .” *See id.* § 502(b)(1).

26. The burden of proof for determining the validity of claims rests on different parties at different stages of the objection process. *See In re Allegheny Int’l Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992). By completing Official Form 410 and timely filing the claim on the docket, a proof of claim is deemed to be an allowed claim unless an objection is interposed. *See Allegheny Int’l Inc.*, 954 F.2d at 173-74 (citation omitted). The filing of a proof of claim thus shifts the burden to the objector to prove why the claim should not be allowed. *See Id.*

27. Once the *prima facie* validity of a claim is rebutted, “it is for the claimant to prove his claim, not for the objector to disprove it.” *In re Kahn*, 114 B.R. 40, 44 (Bankr. S.D.N.Y. 1990) (citations omitted).

28. Bankruptcy Rule 3007 provides certain grounds upon which “objections to more than one claim may be joined in a single objection.” *See* Fed. R. Bankr. P. 3007(d). Additionally, Local Rule 3007-1 governs omnibus objections to Claims in this District and “applies to an omnibus objection to claims. . . . [(i.e.,] an objection that objects to claims filed by different claimants.” *See* Del. Bankr. L.R. 3007-1(a).

29. Pursuant to Local Rule 3007-1(c) and the Claims Objection Procedures, the Liquidating Trustee may file omnibus objections on a substantive basis to Claims to which the Books and Records show that the Debtors' estates have no liability, as well as Claims that are satisfied.

30. For the reasons set forth herein, there is ample evidence to rebut the *prima facie* validity of each of the Disputed Claims.

**A. Satisfied Claims**

31. As a result of the Books and Records review, the Reviewing Parties have identified certain Claims that can each be classified as a "Satisfied Claim" — a Claim that has been satisfied, in full, by the Debtors. It is axiomatic that a creditor should not receive more than one recovery for a claim. In order to prevent such unintentional duplicate payment, the Liquidating Trustee seeks to disallow in full and expunge the Satisfied Claims. Each of the Disputed Claims listed on **Schedule 1** to the Proposed Order is a Satisfied Claim that the Liquidating Trustee has identified.

**B. No Liability Claims**

32. Bankruptcy Code section 502(b)(1) provides that a claim asserted in a proof of claim shall be allowed, except to the extent "such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law." *See* 11 U.S.C. § 502(b)(1).

33. The Liquidating Trustee has identified certain No Liability Claims listed on **Schedule 1** to the Proposed Order that he is unable to reconcile with the Books and Records. The Liquidating Trustee believes that the No Liability Claims are not valid and enforceable Claims because of one or more of the following: (i) the Books and Records do not reflect the existence of the asserted Claim or of the claimant asserting such Claim, or otherwise indicate a scheduled liability of zero and/or disputed liability with respect to such Claim; (ii) the Claims provide either

no documentation or insufficient supporting documentation to provide prima facie evidence of the validity and amount of the Claim; (iii) the Claims are not enforceable against the Debtors or their property under any agreement or applicable law; or (iv) the claimant waived, released, or is estopped from asserting the Claim against any of the Debtors' estates.

34. Based on the Reviewing Parties' review and analysis of the Books and Records, the Claims Register, the Wright Declaration and the Proofs of Claim and supporting documentation, the No Liability Claims are not enforceable under any applicable law or agreement within the meaning of Bankruptcy Code section 502(b)(1) and, therefore, the Debtors' estates are not liable for such Claims.

35. Accordingly, the Liquidating Trustee (i) objects to the No Liability Claims and (ii) requests entry of the Proposed Order disallowing in full and expunging each such Claim.

#### **RESPONSES TO OMNIBUS OBJECTIONS**

36. To contest this Objection, a claimant must file and serve a written response (a "**Response**") so that it is received no later than **July 14, 2025 at 4:00 p.m. (Eastern Time)** (the "**Response Deadline**"). The 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 counsel to the Liquidating Trustee.

37. 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;
- iv. any supporting documentation, to the extent it was not included with the Proof of Claim, previously filed with the clerk or claims agent, upon which the party will rely to support the basis for and amounts asserted in the Proof of Claim; and
- v. the name, address, telephone number, email address and fax number of the persons (which may be the claimant or the claimant's legal representative) with whom counsel for the Liquidating Trustee should communicate with respect to the Claim and/or the Objection and who possesses authority to reconcile, settle, or otherwise resolve the Objection to the Disputed Administrative Claim on behalf of the claimant.

38. If a claimant fails to file and serve a timely Response by the Response Deadline, the Liquidating Trustee will present to the Court an appropriate order disallowing in full and expunging the Disputed Claims without further notice to the claimants.

#### **REPLIES TO RESPONSES**

39. Consistent with Local Rule 9006-1(d), the Liquidating Trustee may, at his option, file and serve a reply to a Response no later than 4:00 p.m. (Prevailing Eastern Time) one (1) day prior to the deadline for filing the agenda for any hearing to consider the Objection.

#### **SEPARATE CONTESTED MATTERS**

40. Each of the above objections to the Disputed Claims constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. The Liquidating Trustee requests that any order entered by this Court with respect to an objection asserted in this Objection shall be deemed a separate order with respect to each Claim.

#### **RESERVATION OF RIGHTS**

41. The Liquidating Trustee expressly reserves the right to amend, modify or supplement this Objection and to file additional objections to the Disputed Claims or any other Claims (filed or not) which may be asserted against the Debtors and/or the Liquidating Trust.

Should one or more of the grounds of objection stated in this Objection be dismissed, the Liquidating Trustee reserve his rights to object on other stated grounds or on any other grounds that the Liquidating Trustee discovers during the pendency of these Chapter 11 Cases.

### **NOTICE**

42. Notice of this Objection has been provided via first class mail and e-mail (if available) to (i) the Office of the United States Trustee for the District of Delaware; (ii) all of the claimants on **Schedule 1** and **Schedule 2** to the Proposed Order and their counsel, if known; and (iii) any persons who have filed a request for notice in these Chapter 11 Cases pursuant to Bankruptcy Rule 2002.

### **STATEMENT OF COMPLIANCE WITH LOCAL RULE 3007-1**

43. The undersigned representative of Cole Schotz P.C. ("**Cole Schotz**") certifies that the firm has reviewed the requirements of Local Rule 3007-1 and that the Objection substantially complies with that Local Rule. To the extent that the Objection does not comply in all respects with the requirements of Local Rule 3007-1, Cole Schotz asserts that such deviations are not material and respectfully requests that any such requirement be waived.

### **CONCLUSION**

44. Accordingly, the Liquidating Trustee respectfully requests that this Court: (i) enter the Proposed Order attached hereto as **Exhibit A** disallowing in full and expunging the Disputed Claims; and (ii) grant such other and further relief as is just and proper.

Dated: June 23, 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:

FISKER, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

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

Objection Deadline: July 14, 2025 at 4:00 p.m. (ET)

**NOTICE OF LIQUIDATING TRUSTEE'S NINTH OMNIBUS OBJECTION  
(SUBSTANTIVE) PURSUANT TO 11 U.S.C. § 502, FED. R. BANKR. P. 3007 AND  
LOCAL RULE 3007-1 TO CERTAIN (I) SATISFIED CLAIMS; AND  
(II) NO LIABILITY CLAIMS**

**TO THE HOLDERS OF CLAIMS ON SCHEDULE 1 AND SCHEDULE 2 TO THE  
PROPOSED ORDER ANNEXED TO THE OBJECTION AS EXHIBIT A:**

- **YOUR SUBSTANTIVE RIGHTS MAY BE AFFECTED BY THIS OBJECTION AND BY ANY FURTHER OBJECTION THAT MAY BE FILED BY THE LIQUIDATING TRUSTEE**
- **YOU ARE DIRECTED TO LOCATE YOUR CLAIM ON SCHEDULE 1 OR SCHEDULE 2 ATTACHED TO THE PROPOSED ORDER**
- **THE RELIEF SOUGHT HEREIN IS WITHOUT PREJUDICE TO THE LIQUIDATING TRUSTEE'S RIGHTS, OR THE RIGHTS OF OTHER PARTIES-IN-INTEREST, TO PURSUE FURTHER SUBSTANTIVE OR NON-SUBSTANTIVE OBJECTIONS AGAINST THE CLAIMS ADDRESSED HEREIN**

**PLEASE TAKE NOTICE**, that on June 23, 2025, Matthew Dundon, solely in his capacity as the Liquidating Trustee (the "**Liquidating Trustee**") of the Fisker Liquidating Trust, filed the *Liquidating Trustee's Ninth Omnibus Objection (Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain (I) Satisfied Claims; and (II) No Liability Claims* (the "**Objection**") with the United States Bankruptcy Court for the District of Delaware (the "**Court**"). A copy of the Objection is enclosed herein.

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<sup>1</sup> 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.

**PLEASE TAKE FURTHER NOTICE**, that responses, if any, to the Objection must be filed with the Clerk of the Court, 824 N. Market Street, 3rd Floor, Wilmington, Delaware 19801, on or before **July 14, 2025 at 4:00 p.m. (ET)** (the “**Response Deadline**”). At the same time, you must serve a copy of the response upon the undersigned counsel so as to be received on or before the Response Deadline.

**PLEASE TAKE FURTHER NOTICE**, that, if a response is timely filed and served, and such objection or response is not otherwise timely resolved, a hearing with respect to the Objection 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)**.

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

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Dated: June 23, 2025  
Wilmington, Delaware

**COLE SCHOTZ P.C.**

/s/ Justin R. Alberto

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*Co-Counsel to the Liquidating Trustee*

# **Exhibit A**

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

In re:

FISKER, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

**Re: D.I. \_\_\_\_**

**ORDER GRANTING LIQUIDATING TRUSTEE’S NINTH OMNIBUS OBJECTION  
(SUBSTANTIVE) PURSUANT TO 11 U.S.C. § 502, FED. R. BANKR. P. 3007 AND  
LOCAL RULE 3007-1 TO CERTAIN (I) SATISFIED CLAIMS; AND  
(II) NO LIABILITY CLAIMS**

THIS MATTER having come before the Court<sup>2</sup> upon the *Liquidating Trustee’s Ninth Omnibus Objection (Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain (I) Satisfied Claims; and (II) No Liability Claims* (the “**Objection**”), filed by Matthew Dundon, solely in his capacity as the Liquidating Trustee (the “**Liquidating Trustee**”) of the Fisker Liquidating Trust, seeking entry of an order pursuant to 11 U.S.C. § 502, Bankruptcy Rule 3007 and Local Rule 3007-1 disallowing in full and expunging the Disputed Claims listed on **Schedule 1** and **Schedule 2** annexed hereto; 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 Objection and opportunity for response having been given; and it appearing that no other notice need be given; and the Court having

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<sup>1</sup> 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.

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

considered the Objection, the Disputed Claims listed on **Schedule 1** and **Schedule 2** annexed hereto, and any responses thereto; and upon the record herein; and, after due deliberation and sufficient cause appearing therefore, it is FOUND AND DETERMINED that:

A. This Objection is a core proceeding under 28 U.S.C. § 157(b)(2).

B. Each holder of a Disputed Claim listed on **Schedule 1** and **Schedule 2** attached hereto was properly and timely served with a copy of the Objection, the Wright Declaration, this Order, the accompanying schedules, and the notice.

C. Any entity known to have an interest in the Disputed Claims subject to the Objection has been afforded reasonable opportunity to respond to, or be heard regarding, the relief requested in the Objection.

D. The relief requested in the Objection is in the best interests of the Debtors' creditors, the Debtors' estates, the Liquidating Trust and other parties-in-interest; and it is therefore:

ORDERED that:

1. The Objection is GRANTED as set forth herein.

2. Any response to the Objection not otherwise withdrawn, resolved, or adjourned is hereby overruled on its merits.

3. Each of the Satisfied Claims on **Schedule 1** hereto is hereby disallowed and expunged in its entirety.

4. Each of the No Liability Claims on **Schedule 2** hereto is hereby disallowed and expunged in its entirety.

5. The Liquidating Trustee's rights to further object at a later date and on any basis to Disputed Claims on **Schedule 1** and **Schedule 2** hereto are fully preserved.

6. The official claims register in these Chapter 11 Cases shall be modified in accordance with this Order.

7. The Liquidating Trustee's rights and the rights of other parties in interest to file additional objections to the Disputed Claims or any other Claims (filed or not) which may be asserted against the Debtors and/or the Liquidating Trust, are preserved. Additionally, should one or more of the grounds of objection stated in the Objection be dismissed, the Liquidating Trustee's rights and the rights of other parties in interest to object on other stated grounds or on any other grounds that the Liquidating Trustee or other parties-in-interest may discover are further preserved.

8. Notwithstanding the possible applicability of Bankruptcy Rules 6004, 7062, 9014 or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry. All time periods set forth in the Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

9. This Court shall retain jurisdiction over the Liquidating Trustee and the claimants whose Claims are subject to the Objection with respect to any matters related to or arising from the Objection and the implementation of this Order.

Schedule 1  
Satisfied Claims

#	Claimant Name	Claim No.	Asserted Claim Amount	Asserted Claim Priority	Adjusted Amount	Objection Type	Basis For Objection
1	Arkansas Department of Finance and Administration	5	\$327.44	Priority: \$251.01 Unsecured: \$76.43	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
2	Department of Taxation, State of Hawaii	2110	\$0.00	Priority	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
3	Florida Department of Revenue	2	\$469.80	Priority: \$169.80 Unsecured: \$300.00	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
4	Iowa Department of Revenue	1	\$3,782.92	Priority	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
5	Massachusetts Department of Revenue	4100	\$104,587.07	Priority: \$89,739.74 Unsecured: \$14,847.33	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
6	New Hampshire Department of Revenue Administration	4212	\$34.38 and Unliquidated for 2023 Tax Year	Priority	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
7	New York City Department of Finance	4206	\$99,269.92	Priority	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
8	NJ Department of Labor, Div. Employer Accounts	535	\$5,027.23	Secured	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
9	Ohio Department of Taxation	9	\$7,051.11	Priority: \$4,473.77 Unsecured: \$2,577.34	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
10	Oregon Department of Revenue	396	\$48,181.05	Priority: \$38,836.59 Unsecured: \$9,344.46	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
11	State of Michigan Unemployment Insurance Agency	4208	\$127,854.46	Priority	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.
12	State of New Jersey Division of Taxation	590	\$1,000.00	Priority	\$0.00	Satisfied	The claim amount was reconciled to the Debtor's Books and Records, tax returns were filed (if applicable) and the amount due was paid.

Schedule 2  
**No Liability Claims**

#	Claimant Name	Claim No.	Asserted Claim Amount	Asserted Claim Priority	Adjusted Amount	Objection Type	Basis For Objection
1	Rodgers-Ahnen, Stephanie J.	3575	\$127,885.82	Priority	\$0.00	No Liability	The Debtors' Books and Records reflect that there are no amounts owed to this claimant. Additionally, all equity interests in the Debtors were deemed automatically canceled, released, and extinguished and claimant is not entitled to any distributions on account thereof. Further, there is no evidence that this claimant is entitled to a priority claim under 11 U.S.C. § 507 (a).
2	Rodgers-Ahnen, Stephanie J.	3597	\$127,885.82	Priority	\$0.00	No Liability	The Debtors' Books and Records reflect that there are no amounts owed to this claimant. Additionally, all equity interests in the Debtors were deemed automatically canceled, released, and extinguished and claimant is not entitled to any distributions on account thereof. Further, there is no evidence that this claimant is entitled to a priority claim under 11 U.S.C. § 507 (a).
3	Toccata Automotive Group, Inc.	2138	\$45,552.00	Secured	\$0.00	No Liability	The Debtors' Books and Records reflect that there are no amounts owed to this claimant. Additionally, the proof of claim does not include sufficient information or documentation to constitute <i>prima facie</i> evidence of a valid claim. Further, there is no evidence that this claimant is entitled to a secured claim. Furthermore, pursuant to this Court's <i>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 This Matter</i> (the " <b>Contempt Order</b> ") [D.I. 700], which is a final and non-appealable order, claimant is indebted to the Debtors' estates in the total amount of \$738,533.00. Therefore, even if Claim No. 2138 is determined to be valid in whole or in part, Claim No. 2138 would be reduced to zero pursuant to the Liquidating Trust's set-off rights.

# **Exhibit B**

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

In re:

FISKER, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

**DECLARATION OF RICK WRIGHT IN SUPPORT OF LIQUIDATING TRUSTEE'S  
NINTH OMNIBUS OBJECTION (SUBSTANTIVE) PURSUANT TO 11 U.S.C. § 502,  
FED. R. BANKR. P. 3007 AND LOCAL RULE 3007-1 TO CERTAIN (I) SATISFIED  
CLAIMS; AND (II) NO LIABILITY CLAIMS**

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

1. I submit this declaration (the “**Declaration**”) in support of the *Liquidating Trustee’s Ninth Omnibus Objection (Substantive) Pursuant to 11 U.S.C. § 502, Fed. R. Bankr. P. 3007 and Local Rule 3007-1 to Certain (I) Satisfied Claims; and (II) No Liability Claims* (the “**Objection**”),<sup>2</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> 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** and **Schedule 2** attached to the Proposed Order, and I am familiar with the information contained therein.

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 substantive grounds, i.e., the Satisfied Claims and the No Liability Claims.

5. Upon the review of the Proofs of Claim filed in these Chapter 11 Cases, I have identified the Disputed 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 Books and Records, the Proofs of Claim, and all documentation submitted with the Proofs of Claim, each of the Claims listed on **Schedule 1** and **Schedule 2** attached to the Proposed Order represent Disputed Claims that should be disallowed in full and expunged, as set forth therein and further discussed below.

6. Satisfied Claims. Upon the review of the Proofs of Claim filed in these Chapter 11 Cases, I have identified the Satisfied Claims listed on Schedule 1 to the Proposed Order. 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 Books and Records, the Proofs of Claim, and all documentation submitted with the Proofs of Claim, the Claims listed on Schedule 1 are Claims that have been satisfied in full by the Debtors. As a result of my review, and in consultation with the Liquidating Trustee's other advisors, I have concluded that the Satisfied Claims should be disallowed in full and expunged, as set forth on Schedule 1 to the Proposed Order.

7. No Liability Claims. To the best of my knowledge and belief, and based on the information and records available to me, the Claims listed on Schedule 2 to the Proposed Order cannot be reconciled with the Books and Records. To the best of my knowledge and belief, and based on the information and records available to me, the No Liability Claims are not valid because of one or more of the following reasons: (i) the Books and Records do not reflect the existence of the asserted Claim or of the claimant asserting such Claim, or otherwise indicate a scheduled liability of zero and/or disputed liability with respect to such Claim; (ii) the Claims provide either no documentation or insufficient supporting documentation to provide prima facie evidence of the validity and amount of the Claim; (iii) the Claims are not enforceable against the Debtors or their property under any agreement or applicable law; or (iv) the claimant waived, released, or is estopped from asserting the Claim against any of the Debtors' estates. as a result of my review, and in consultation with the Liquidating Trustee's other advisors, I have concluded that the No Liability Claims should be disallowed in full and expunged, as set forth on Schedule 2 to the Proposed Order.

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: June 23, 2025

/s/ Rick Wright

Rick Wright