

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: September 3, 2025 at 11:00 a.m. (ET)

Objection Deadline: July 30, 2025 at 4:00 p.m. (ET)

**MOTION FOR ENTRY OF AN ORDER FURTHER EXTENDING THE TIME PERIOD
WITHIN WHICH THE LIQUIDATING TRUSTEE MAY FILE AND SERVE
OBJECTIONS TO ADMINISTRATIVE 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 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 he is authorized to file and serve objections to Administrative Claims (as defined below) by approximately one hundred eighty (180) days, from August 18, 2025 through and including February 16, 2026. In support of the Motion, the Liquidating Trustee respectfully states as follows:

JURISDICTION, VENUE AND STATUTORY BASES

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 Bankruptcy Code section 105(a), 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. *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, subject to the Liquidating Trust Agreement: “[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” *See* Plan, Article X.B.

B. Prepetition Claims 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**”). *See* Bar Date Order.

14. On August 21, 2024, the Liquidating Trust’s (and formerly, the Debtors’) claims and noticing agent, Kurtzman Carson Consultants, LLC dba Verita Global (“**Verita**”) caused the Notice of Bar Dates for Filing Proofs of Claim Against the Debtors [substantially in the form attached as **Exhibit 2** to D.I. 458] (the “**Notice of Bar Dates**”) to be served via first-class mail upon each claimant at their last known address on file, along with a Modified Official Form 410 Proof of Claim [substantially in the form attached at **Exhibit 1** to D.I. 458], customized for each individual claimant. *See Certificate of Service of Scott M. Ewing re: 1) Modified Official Form 410 Proof of Claim; and 2) Notice of Bar Dates for Filing Proofs of Claim Against the Debtors* [D.I. 495], filed on August 29, 2024.

15. The Notice of Bar Dates provided as follows:

On August 19, 2024, the Court entered an order ... establishing the following deadlines for filing certain prepetition claims ... in the Debtors’ Chapter 11 Cases: (a) **September 11, 2024, 5:00 p.m. prevailing Eastern Time** as the deadline (the “**General Bar Date**”) to file a proof of claim in respect of any prepetition claim against any of the Debtors, including, without limitation, any secured claim, unsecured claim, priority claim, or claim asserted under section 503(b)(9) of the Bankruptcy Code for goods delivered and received by any of the Debtors within twenty (20) days before the Petition Date, unless otherwise provided in the Bar Date Order.

See Notice of Bar Dates.

C. Administrative Claims Bar Date

16. The Plan 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* Plan, Articles I.A.15, V.A.1.

17. The Confirmation Order further provided that “[e]xcept as otherwise provided in the Plan or this Order, requests for payment of Administrative Claims must be filed no later than the Administrative Claims Bar Date in accordance with the Plan.” *See* Confirmation Order ¶ 101.

18. Consequently, all applicable Bar Dates have passed.

D. Claim Objection Deadlines

19. 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 currently August 18, 2025 (the “**Administrative Claims Objection Deadline**”), subject to the Liquidating Trustee’s right to seek additional extensions.

20. 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 January 12, 2026* [D.I. 1068], the deadline for the Liquidating Trustee to object to Claims and Interests, other than Administrative Claims, is January 12, 2026 (the “**Prepetition Claims and Interests Objection Deadline**”), subject to the Liquidating Trustee’s right to seek additional extensions.

E. Claims Objection Procedures

21. In connection with the Claims and Interests reconciliation process, the Liquidating Trustee previously obtained approval of certain omnibus objection procedures intended to promote a reconciliation process that is conducted in a timely, efficient, and cost-effective manner. *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].

F. The Claims and Interests Reconciliation Process

22. 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.

23. The Liquidating Trustee and his advisors (the “**Reviewing Parties**”) have been and continue to undertake a comprehensive review of all Claims and Interests, including Administrative 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 such Claims. This process includes identifying categories of Claims and Interests, including Administrative Claims, that may be targeted for disallowance and expungement, reduction and/or reclassification.

24. Notably, the Liquidating Trustee has litigated and/or engaged in settlement discussions with a multitude of claimants asserting Administrative Claims (as well as prepetition Claims and Interests). In that regard, the Liquidating Trustee has achieved highly favorable resolutions of several large asserted Administrative Claims, the terms of which were embodied in stipulations filed on the Court’s docket. *See* D.I. 816, 818, 836, 984, 1027, 1040.

25. Additionally, 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 (the “**PSA Claims**”).

26. 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, including Administrative Claims, through stipulated withdrawals, settlements and/or consensual reconciliations.

27. Despite the significant and material progress made in the Chapter 11 Cases thus far with respect to reconciliation of Administrative Claims, the Reviewing Parties continue to discover additional asserted Administrative Claims that must be addressed, either through objections or through consensual agreements with the applicable claimants, if possible.

28. Accordingly, the Liquidating Trustee requires additional time to effectively review, resolve, and/or object to remaining, unresolved and/or undiscovered Administrative Claims, and believes that a further extension of the Administrative Claim Objection Deadline by approximately one hundred eighty (180) days, through and including February 16, 2026, is necessary and appropriate under the circumstances, subject to the Liquidating Trustee’s right to seek additional extensions.

RELIEF REQUESTED

29. By this Motion, the Liquidating Trustee respectfully requests entry of the Proposed Order extending the Administrative Claims Objection Deadline through and including February 16, 2026, without prejudice to the Liquidating Trustee's right to seek additional extensions.⁴

BASIS FOR RELIEF

30. There is ample authority upon 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 Administrative Claims Objection Deadline.

31. First, 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).

32. 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).

33. As discussed above, sufficient cause exists to extend the Administrative Claims Objection Deadline. To wit, the Liquidating Trustee has made significant progress to date in diligently advancing the Claims and Interest reconciliation process, including with respect to Administrative Claims. 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 reclassification and/or disallowance and expungement in whole or

⁴ Pursuant to Local Rule 9006-2, the filing of this Motion prior to the expiration of the Administrative Claims Objection Deadline automatically extends such deadline until such time as the Court rules on this Motion.

in part of PSA Claims, including Administrative 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.

34. 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, including Administrative Claims, through stipulated withdrawals and/or settlements. The Liquidating Trustee intends to continue efforts to reconcile Claims and Interests consensually, to the extent possible, in order to maximize efficiency and conserve estate resources.

35. Moreover, as noted above, the Liquidating Trustee has achieved highly favorable resolutions related to several large asserted Administrative Claims, the terms of which were embodied in stipulations filed on the Court's docket. *See*, D.I. 816, 818, 836, 984, 1027, 1040.

36. In addition to the ongoing Claims and Interests reconciliation process, the Liquidating Trustee and his professionals remain engaged in numerous other time-sensitive and important tasks. These tasks include: (i) the ongoing monetization of valuable estate assets; (ii) the 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) the preparation and filing of operating reports, among other things.

37. In light of the foregoing, the Liquidating Trustee respectfully submits that a further extension of the Administrative Claims Objection Deadline through and including February 16,

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.

38. Notably, the requested extension of the Administrative Claims Objection Deadline will not prejudice any claimant or other party-in-interest and will benefit creditors holding valid Administrative Claims. To be clear, a further extension of the Administrative Claims 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 Administrative Claims will only be challenged if appropriate after the Liquidating Trustee completes a substantive and comprehensive review.

39. Absent an extension, creditors may suffer unnecessary and unfair prejudice. Either the Liquidating Trustee will be precluded from challenging invalid and/or overstated Administrative Claims or, alternatively, he 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 Reviewing Parties.

NOTICE

40. 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

41. 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 Administrative Claims Objection Deadline for a period of approximately one hundred eighty (180) days, from August 18, 2025 through and including February 16, 2026, without prejudice to the Liquidating Trustee's right to seek additional extensions; and (ii) grant such other and further relief as the Court may deem just and proper.

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Dated: July 16, 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: September 3, 2025 at 11:00 a.m. (ET)

Objection Deadline: July 30, 2025 at 4:00 p.m. (ET)

**NOTICE OF MOTION FOR ENTRY OF AN ORDER FURTHER EXTENDING THE
TIME PERIOD WITHIN WHICH THE LIQUIDATING TRUSTEE MAY FILE AND
SERVE OBJECTIONS TO ADMINISTRATIVE CLAIMS**

PLEASE TAKE NOTICE, that on July 16, 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 Time Period Within Which the Liquidating Trustee May File and Serve Objections to Administrative Claims* (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 30, 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 **September 3, 2025 at 11:00 a.m. (ET)** (the “**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.

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.

Dated: July 16, 2025
Wilmington, Delaware

COLE SCHOTZ P.C.

/s/ Melissa M. Hartlipp

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Co-Counsel to the Liquidating Trustee

Exhibit A

Proposed Form of 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
ADMINISTRATIVE CLAIMS**

THIS MATTER having come before the Court² upon the *Motion for Entry of an Order Further Extending the Time Period Within Which the Liquidating Trustee May File and Serve Objections to Administrative Claims* (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 (this “**Order**”) further extending the time period within which he is authorized to file and serve objections to Administrative Claims by approximately one hundred eighty (180) days, from August 18, 2025 through and including February 16, 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

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

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 sufficient cause appearing therefore,

It is hereby ORDERED that:

1. The Motion is GRANTED as set forth herein.
2. The Administrative Claims Objection Deadline is extended through and including February 16, 2026.
3. The relief granted herein is without prejudice to the Liquidating Trustee's right to seek further extensions of the Administrative Claims 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.