

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

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CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re:
FISKER, INC., et al.,
Debtors.

Chapter 11
Case No. 24-11390 (TMH)
(Jointly Administered)

**RESPONSE OF CREDITOR JORGE A. ROUGE TO LIQUIDATING TRUSTEE'S
ELEVENTH OMNIBUS OBJECTION TO CERTAIN LATE-FILED CLAIMS**

Creditor:
Jorge A. Rouge
Claim No.: 3745
Claim Filed: September 16, 2024
Claim Amount: \$5,250 (of which \$3,350 entitled to priority under 11 U.S.C. § 507(a)(7))

I. INTRODUCTION

Creditor Jorge A. Rouge ("Creditor") respectfully submits this response to the Liquidating Trustee's Eleventh Omnibus Objection to Certain Late-Filed Claims (the "Objection"), which seeks to disallow Creditor's claim as untimely. Creditor opposes the Objection because he was never served with notice of the General Bar Date and therefore cannot be bound by it consistent with due process.

II. FACTUAL BACKGROUND

1. On September 16, 2024, Creditor timely prepared and filed Proof of Claim No. 3745 in the amount of \$5,250, supported by documentation, after learning of the Fisker bankruptcy from a colleague — not from any official notice.
2. At no point prior to filing his claim did Creditor receive:
 - o The Court's Bar Date Order (D.I. 458),



2411390250814000000000001

- The Notice of Bar Dates, or
 - Any related mailing advising of the September 11, 2024 General Bar Date.
3. Creditor was not listed on the Debtors' creditor mailing matrix and was never served with the Bar Date Notice.
 4. Had Creditor received timely and proper notice, he would have filed his claim before September 11, 2024.
-

III. LEGAL ARGUMENT

A. Due Process Requires Actual Notice to Known Creditors

It is well established that “known creditors must be provided with actual written notice of a debtor’s bankruptcy filing and bar date before their claims can be forever barred.” *City of New York v. New York, New Haven & Hartford R.R. Co.*, 344 U.S. 293, 296 (1953). This principle has been repeatedly applied by the Third Circuit. See *Chemetron Corp. v. Jones*, 72 F.3d 341, 345–46 (3d Cir. 1995).

Because Creditor was a known creditor — the Debtors held his deposit — and was never served with notice, the bar date cannot be enforced against him.

B. Alternatively, Excusable Neglect Justifies Allowing the Claim

Even if the Court determines Creditor received constructive notice, the Court may permit a late filing under Fed. R. Bankr. P. 9006(b)(1) upon a showing of excusable neglect. The *Pioneer* factors (507 U.S. 380 (1993)) — danger of prejudice, length of delay, reason for delay, and good faith — strongly favor Creditor:

- The delay was minimal (only 5 days past the bar date).
 - No prejudice will result because the claim is modest and valid.
 - The reason for delay was lack of notice.
 - Creditor acted promptly upon learning of the bankruptcy.
-

IV. RELIEF REQUESTED

Creditor respectfully requests that the Court:

1. Overrule the Objection as it pertains to Creditor’s claim.
 2. Deem Creditor’s claim timely filed or otherwise allow it for purposes of distribution.
 3. Grant such other relief as the Court deems just and proper.
-

V. SUPPORTING DOCUMENTATION

Filed concurrently herewith are:

- **Exhibit A** – Proof of Claim No. 3745 filed September 16, 2024.
- **Exhibit B** – August 1, 2025 Order listing Creditor's claim as late-filed.
- **Exhibit C** – Declaration of Jorge A. Rouge attesting to non-receipt of notice.

Dated: August 11th, 2025

Respectfully submitted,

/s/ Jorge A. Rouge

Jorge A. Rouge

8828 SW 222 Terrace

Cutler Bay, FL 33190

Phone: 786-201-3127

Email: grougekat@hotmail.com

Creditor, Pro Se

EXHIBIT C

DECLARATION OF JORGE A. ROUGE REGARDING NON-RECEIPT OF BAR DATE NOTICE

I, Jorge A. Rouge, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am the creditor who filed Proof of Claim No. 3745 in the above-captioned case on September 16, 2024, in the amount of \$5,250.00, of which \$3,350.00 is entitled to priority under 11 U.S.C. § 507(a)(7).
2. I never received notice of the General Bar Date of September 11, 2024, or of any bar date in this case, prior to filing my Proof of Claim.
3. Specifically, I did not receive:
 - The Court's Bar Date Order entered August 19, 2024 (D.I. 458);
 - The "Notice of Bar Dates for Filing Proofs of Claim Against the Debtors";
 - Any mailing, email, or other communication from the Debtors, their noticing agent, or the Liquidating Trustee informing me of the bar date.
4. I first became aware of the Fisker, Inc. bankruptcy only when a colleague informed me about it after the September 11, 2024 General Bar Date had passed.
5. Upon learning of the bankruptcy case, I acted promptly to prepare and file my Proof of Claim, which was submitted on September 16, 2024.
6. Had I received actual notice of the bar date, I would have filed my claim on or before September 11, 2024.

7. My failure to file prior to the bar date was entirely due to the lack of notice, and not for any reason of neglect or delay on my part.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 11th, 2025

Cutler Bay, Florida

/s/


Jorge A. Rouge

8828 SW 222 Terrace

Cutler Bay, FL 33190

Phone: 786-201-3127

Email: grougekat@hotmail.com

Creditor, Pro Se

Fill in this information to identify the case:

Debtor Fisker Inc.

United States Bankruptcy Court for the: _____ District of Delaware
(State)

Case number 24-11390

EXHIBIT A
Official Form 410
Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Jorge A. Rouge</u> <small>Name of the current creditor (the person or entity to be paid for this claim)</small> <small>Other names the creditor used with the debtor</small> _____		
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? <u>Jorge A. Rouge</u> <u>8828 SW 222 Terrace</u> <u>Cutler Bay, Florida 33190</u> <small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small> <small>Contact phone</small> <u>786-201-3127</u> <small>Contact email</small> <u>grougekat@hotmail.com</u>	Where should payments to the creditor be sent? (if different) <small>Contact phone</small> _____ <small>Contact email</small> _____ <small>Uniform claim identifier for electronic payments in chapter 13 (if you use one):</small> _____	
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY		
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Part 2: Give Information About the Claim as of the Date the Case Was Filed

Exhibit A

6. Do you have any number you use to identify the debtor?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim? \$ <u>5250</u>	Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>Deposit of Goods Sold</u>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature or property: <input type="checkbox"/> Real estate: If the claim is secured by the debtor's principle residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____



Exhibit A

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ No☒ Yes. Check all that apply:☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).☒ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ 3350.00

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. 503(b)(9)?

☒ No☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.☐ I am the creditor's attorney or authorized agent.☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 09/16/2024
MM / DD / YYYY

/s/Jorge Rouge
Signature

Print the name of the person who is completing and signing this claim:

Name Jorge Rouge
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____

Contact phone _____ Email _____

Verita (KCC) ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (888) 926-3479 | International (310) 751-1825

Debtor: 24-11390 - Fisker Inc. District: District of Delaware		
Creditor: Jorge A. Rouge 8828 SW 222 Terrace Cutler Bay, Florida, 33190 Phone: 786-201-3127 Phone 2: Fax: Email: grougekat@hotmail.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: No Related Claim Filed By:	
	Filing Party: Creditor	
	Other Names Used with Debtor:	
Amends Claim: No Acquired Claim: No		
Basis of Claim: Deposit of Goods Sold	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 5250	Includes Interest or Charges: No	
Has Priority Claim: Yes	Priority Under: 11 U.S.C. §507(a)(7): 3350.00	
Has Secured Claim: No Amount of 503(b)(9): No Based on Lease: No Subject to Right of Setoff: No	Nature of Secured Amount: Value of Property: Annual Interest Rate: Arrearage Amount: Basis for Perfection: Amount Unsecured:	
Submitted By: Jorge Rouge on 16-Sep-2024 9:03:52 p.m. Eastern Time Title: Company:		

EXHIBIT A

COVER LETTER TO COURT

Jorge Rouge
8828 SW 222 Terrace
Cutler Bay, FL 33190
Phone: 786-201-3127
Email: grougekat@hotmail.com

August 11th, 2025

~~VIA ECF & First-Class U.S. Mail~~
Fedex One rate

Clerk of the Court
United States Bankruptcy Court
District of Delaware
824 N. Market Street, 3rd Floor
Wilmington, DE 19801

Re: In re Fisker, Inc., et al., Case No. 24-11390 (TMH) – Response to Liquidating Trustee’s Eleventh Omnibus Objection to Certain Late-Filed Claims

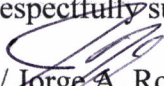
Dear Clerk:

Enclosed for filing in the above-referenced case please find the following documents:

1. Response of Creditor Jorge A. Rouge to Liquidating Trustee’s Eleventh Omnibus Objection to Certain Late-Filed Claims; and
2. Declaration of Jorge A. Rouge Regarding Non-Receipt of Bar Date Notice with Exhibits A–B.

Kindly file the enclosed documents in the Court’s records. A copy has been served upon counsel for the Liquidating Trustee as indicated in the attached Certificate of Service.

Respectfully submitted,


/s/ Jorge A. Rouge
Jorge A. Rouge
Creditor, Pro Se

Enclosures

Case 24-11390-TMH Doc 1097-2 Filed 08/01/25 Page 11 of 12
Schedule I - Late Claims

EXHIBIT B

223	Robinson, Garfield	12/31/2024	4227	\$750.00	Claim was filed after the General Bar Date of September 11, 2024
224	Rouge, Jorge A	09/16/2024	3745	\$5,250.00	Claim was filed after the General Bar Date of September 11, 2024
225	Rowlands, Mohan	12/13/2024	4213	\$40,000.00	Claim was filed after the General Bar Date of September 11, 2024
226	Rubien, Ira	10/21/2024	4098	\$45,250.00	Claim was filed after the General Bar Date of September 11, 2024
227	Rufner, Kevin	09/14/2024	3797	UNLIQUIDATED	Claim was filed after the General Bar Date of September 11, 2024
228	Ruiz, Miguel	09/27/2024	3970	\$20,000.00	Claim was filed after the General Bar Date of September 11, 2024
229	Saad, Mubashir	09/12/2024	3717	\$30,000.00	Claim was filed after the General Bar Date of September 11, 2024
230	Sadis, Harvey J.	09/25/2024	3949	\$250.00	Claim was filed after the General Bar Date of September 11, 2024
231	Saladini, Lynn	10/13/2024	4056	\$500.00	Claim was filed after the General Bar Date of September 11, 2024
232	Sands, Franklin	09/16/2024	3849	\$30,000.00	Claim was filed after the General Bar Date of September 11, 2024
233	Santizo, Jose	09/19/2024	3874	\$59,900.00	Claim was filed after the General Bar Date of September 11, 2024
234	Sarabia, Santiago	10/10/2024	4059	\$257,285.25	Claim was filed after the General Bar Date of September 11, 2024
235	Schapiro, Robert M	09/17/2024	3825	\$38,700.00	Claim was filed after the General Bar Date of September 11, 2024
236	Schulte, Bryan	11/03/2024	4142	\$8,383.26	Claim was filed after the General Bar Date of September 11, 2024
237	Serra, Albert	09/25/2024	3941	\$250.00	Claim was filed after the General Bar Date of September 11, 2024
238	Servanski, Jaroslaw	10/23/2024	4111	\$250.00	Claim was filed after the General Bar Date of September 11, 2024
239	Shanghai Xundao New Energy Technolo Co., Ltd	09/14/2024	3791	\$262,770.17	Claim was filed after the General Bar Date of September 11, 2024
240	Silva, Valdeci	10/21/2024	4089	\$1,100.00	Claim was filed after the General Bar Date of September 11, 2024
241	Silva, Wayne	10/04/2024	4011	\$79,814.00	Claim was filed after the General Bar Date of September 11, 2024
242	Sri Krishna Systems Inc	09/13/2024	3789	\$30,000.00	Claim was filed after the General Bar Date of September 11, 2024
243	Kishore Patapati	09/17/2024	3739	\$10,000.00	Claim was filed after the General Bar Date of September 11, 2024
244	Starr, Alexandra	03/04/2025	4255	\$250.00	Claim was filed after the General Bar Date of September 11, 2024
245	Steele, Kenneth	09/12/2024	3719	\$55,433.42	Claim was filed after the General Bar Date of September 11, 2024
246	Strattec Power Access LLC	10/30/2024	4130	\$84,000.00	Claim was filed after the General Bar Date of September 11, 2024
247	Tabatabaian, Rameen	09/13/2024	3778	\$250.00	Claim was filed after the General Bar Date of September 11, 2024
248	Tan, Annelyn	09/12/2024	3709	\$58,808.46	Claim was filed after the General Bar Date of September 11, 2024
249	TandS Maintenance Co. LLC	10/03/2024	4005	\$2,068.00	Claim was filed after the General Bar Date of September 11, 2024
250	DBA Tetra Maintenance	10/04/2024	4023	\$70,000.00	Claim was filed after the General Bar Date of September 11, 2024
251	Taw, Kenneth	09/19/2024	3876	\$30,000.00	Claim was filed after the General Bar Date of September 11, 2024
252	Thai, Khuong	09/19/2024	3881	UNLIQUIDATED	Claim was filed after the General Bar Date of September 11, 2024
253	Thakkar, Bina	09/13/2024	3781	\$2,500.00	Claim was filed after the General Bar Date of September 11, 2024
254	Thompson, Tiffany	09/12/2024	3708	\$250.00	Claim was filed after the General Bar Date of September 11, 2024
255	Tomuta, Bogdan	09/16/2024	3861	\$30,000.00	Claim was filed after the General Bar Date of September 11, 2024

EXHIBIT B

CERTIFICATE OF SERVICE

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:

FISKER, INC., et al.,
Debtors.

Chapter 11
Case No. 24-11390 (TMH)
(Jointly Administered)

CERTIFICATE OF SERVICE

I, Jorge A. Rouge, hereby certify that on [Date], 2025, I caused a true and correct copy of the foregoing **Response of Creditor Jorge A. Rouge to Liquidating Trustee's Eleventh Omnibus Objection to Certain Late-Filed Claims and Declaration of Jorge A. Rouge Regarding Non-Receipt of Bar Date Notice** with Exhibits to be served via ~~First-Class U.S. Mail~~, postage prepaid, upon the following: *Fedex one rate*

Co-Counsel to the Liquidating Trustee

Marianna Udem (admitted pro hac vice)
ASK LLP
60 East 42nd Street, 46th Floor
New York, NY 10165
Email: mudem@askllp.com

Delaware Counsel to the Liquidating Trustee

R. Stephen McNeill
Pachulski Stang Ziehl & Jones LLP
919 North Market Street, 17th Floor
Wilmington, DE 19801

United States Trustee's Office

J. Caleb Boggs Federal Building
844 King Street, Suite 2207
Lockbox 35
Wilmington, DE 19801

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 11th, 2025
Cutler Bay, Florida

/s/



Jorge A. Rouge

8828 SW 222 Terrace

Cutler Bay, FL 33190

Phone: 786-201-3127

Email: grougekat@hotmail.com

Creditor, Pro Se

Case # 24-11390

Recycle Reusable Env

JAMES
RAY

ETP: 1
824 MARKET ST
415 WED 08/13 07:14
773-119030
883450197742
SP-0100Y
19801-3024-99
WILMINGTON DE

Part # 156287-435 RPOB EXP 02/26

ORIGIN ID: OCAA (786) 201-9127
JORG RUGE
9828 SW 22ND TERRACE
CUTLER BAY, FL 33190
UNITED STATES US

SHIP DATE: 11AUG25
ACTWGT: 0.50 LB
CAD: 6570543/R05A2650

Part # 156287-435 RPOB EXP 02/26

TO
CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT
824 N MARKET ST
3RD FLOOR
WILMINGTON DE 19801
REF: (000) 000-0000
DEPT: 100
PO:



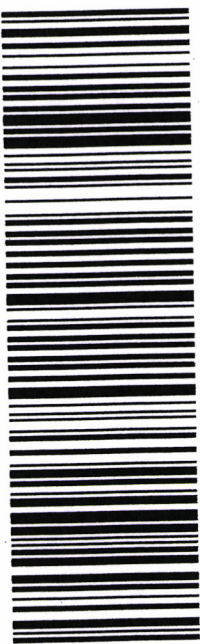
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WED - 13 AUG 5:00

** 2DAY *

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