

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
FISKER INC., <i>et al.</i> , ¹	Case No. 24-11390 (TMH)
Debtors.	(Jointly Administered)

**FOURTH AMENDED² NOTICE OF SUPPLEMENTAL³ AGENDA FOR CONTINUED
HEARING SCHEDULED FOR OCTOBER 11, 2024, AT 11:00 A.M. (ET)**

This proceeding will be conducted in a hybrid format, in courtroom #7 and on Zoom. All counsel and witnesses are expected to attend unless permitted to appear remotely via Zoom. Please refer to Judge Horan's Chambers Procedures and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on who may participate remotely, the method of allowed participation (video or audio), Judge Horan's expectations of remote participants, and the advance registration requirements.

RESOLVED MATTERS

1. Motion of Debtors for Entry of an Order Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Cases ([D.I. 567](#), filed 9/16/24).

Objection Deadline: September 30, 2024, at 4:00 p.m. (ET).

Responses Received: None.

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors' corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.

² Amended items appear in **bold**.

³ The hearing scheduled for October 9, 2024, at 10:00 a.m. (ET) has been continued to October 11, 2024, at 11:00 a.m. (ET). Please note that the continued hearing will be conducted in a hybrid format.



Related Documents:

- a) Certificate of No Objection Regarding Motion of Debtors for Entry of an Order Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Cases ([D.I. 612](#), filed 10/1/24).
- b) Order Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Cases ([D.I. 619](#), entered 10/2/24).

Status: An order has been entered. A hearing on this matter is no longer necessary.

- 2. Application of Debtors for Entry of an Order (I)(A) Authorizing the Debtors to Employ and Retain RBSM LLP as Accountants *Nunc Pro Tunc* to September 4, 2024, and (B) Waiving the Information Requirements of Local Rule 2016-2 ([D.I. 571](#), filed 9/18/24).

Objection Deadline: October 2, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Informal comments received from the U.S. Trustee.

Related Documents:

- a) Certification of Counsel Regarding Order (I)(A) Authorizing the Debtors to Employ and Retain RBSM LLP as Accountant *Nunc Pro Tunc* to September 4, 2024, and (B) Waiving the Information Requirements of Local Rule 2016-2 and (II) Granting Related Relief ([D.I. 625](#), filed 10/3/24).
- b) Order (I)(A) Authorizing the Debtors to Employ and Retain RBSM LLP as Accountant *Nunc Pro Tunc* to September 4, 2024, and (B) Waiving the Information Requirements of Local Rule 2016-2 and (II) Granting Related Relief ([D.I. 632](#), entered 10/4/24).

Status: An order has been entered. A hearing on this matter is no longer necessary.

- 3. Motion of Debtors for Entry of an Order Allowing the Advancement and Payment of Defense Costs and Settlement Amounts of Insured Persons Pursuant to the D&O Policies ([D.I. 596](#), filed 9/25/24).

Objection Deadline: October 2, 2024, at 4:00 p.m. (ET).

Responses Received:

- a) Informal comments received from the Committee.
- b) Informal comments received from the U.S. Trustee.

Related Documents:

- a) Certification of Counsel Regarding Order Granting Debtors' Motion for Order Allowing the Advancement and Payment of Defense Costs and Settlement Amounts of Insured Persons Pursuant to the D&O Policies ([D.I. 624](#), filed 10/3/24).
- b) Order Granting Debtors' Motion for Order Allowing the Advancement and Payment of Defense Costs and Settlement Amounts of Insured Persons Pursuant to the D&O Policies ([D.I. 631](#), entered 10/4/24).

Status: An order has been entered. A hearing on this matter is no longer necessary.

MATTERS GOING FORWARD

- 4. Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Debtor Affiliates ([D.I. 541](#), filed 9/10/24).

Objection Deadline: October 4, 2024, at 4:00 p.m. (ET); extended for the U.S. Trustee to October 4, 2024, at 6:00 p.m. (ET); extended to October 7, 2024, at 5:00 p.m. (ET) for Magna International Inc.; extended for JPMorgan Chase Bank, N.A. ("Chase") to October 8, 2024, at 5:00 p.m. (ET).

Responses Received:

- a) Objection by the U.S. Securities and Exchange Commission to the First Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Debtor Affiliates ([D.I. 630](#), filed 10/4/24).
- b) United States Trustee's Objection to Confirmation of the First Amended Combined Disclosure Statement and Chapter 11 Plan Of Liquidation Of Fisker Inc. and Its Debtor Affiliates ([D.I. 636](#), filed 10/4/24).
- c) Informal comments received from the Committee.
- d) Informal comments received from CVI Investment, Inc. ("CVI").
- e) Informal comments received from the Texas Workforce Commission.
- f) Informal comments received from Chase.
- g) Informal comments received National Highway Traffic Safety Administration.

- h) United States' Objection to the Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Debtor Affiliates ([D.I. 650](#), filed 10/7/24).
- i) American Lease LLC's Emergency (I) Objection to Approval of Proposed Combined Plan and Disclosure Statement and (II) Request for Adjournment of Hearing Scheduled Thereon ([D.I. 655](#), filed 10/7/24).

Related Documents:

- a) Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Debtor Affiliates ([D.I. 498](#), filed 8/30/24).
- b) Notice of Revised Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Debtor Affiliates ([D.I. 526](#), filed 9/9/24).
- c) Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Debtor Affiliates [Blackline] ([D.I. 542](#), filed 9/10/24).
- d) Order (I) Approving (A) the Disclosure Statement on an Interim Basis, (B) the Solicitation and Tabulation Procedures, and (C) the Forms of Ballots, Solicitation Package, and Notices, (II) Establishing Certain Dates and Deadlines in Connection with the Solicitation and Confirmation of the Plan, (III) Scheduling a Joint Hearing for the Final Approval of the Disclosure Statement and Confirmation of the Plan, and (IV) Granting Related Relief ([D.I. 545](#), entered 9/10/24).
- e) Notice of Filing of Plan Supplement to Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker, Inc. and Its Debtor Affiliates ([D.I. 587](#), filed 9/23/24).
- f) Notice of Filing of First Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker, Inc. and Its Debtor Affiliates ([D.I. 588](#), filed 9/23/24).
- g) Notice of Filing of Second Plan Supplement to Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker, Inc. and Its Debtor Affiliates ([D.I. 623](#), filed 10/3/24).
- h) Order Granting American Lease LLC's Motion for Leave to File and Serve Late Objection to Approval of Proposed Combined Plan and Disclosure Statement and (II) Request for Adjournment of Hearing Scheduled Thereon ([D.I. 660](#), entered 10/8/24).
- i) Debtors' Memorandum of Law in Support of Confirmation of the First Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and its Debtor Affiliates and (II) Reply to Objections Thereto ([D.I. 661](#), filed 10/8/24).

- j) Notice of Filing of Second Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker, Inc. and Its Debtor Affiliates ([D.I. 666](#), filed 10/8/24).
- k) Declaration of James Lee with Respect to the Tabulation of Votes on the Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Affiliates ([D.I. 667](#), filed 10/8/24).
- l) Declaration of John C. DiDonato as Chief Restructuring Officer of the Debtors in Support of Confirmation of the First Amended Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Debtor Affiliates ([D.I. 668](#), filed 10/8/24).
- m) 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 ([D.I. 669](#), filed 10/8/24).
- n) Debtors' Response to American Lease LLC's Emergency (I) Objection to Approval of the Proposed Combined Plan and Disclosure Statement and (II) Request for Adjournment of Hearing Scheduled Thereon ([D.I. 670](#), filed 10/8/24).
- o) **Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Debtors Affiliates ([D.I. 691](#), filed 10/20/24).**
- p) **[Blackline] Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and Its Debtors Affiliates ([D.I. 692](#), filed 10/20/24).**
- q) **Notice of Filing of Revised Proposed Findings of Fact and 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 ([D.I. 693](#), filed 10/10/24).**
- r) **Notice of Filing of Corrected Exhibit for Revised Proposed 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 [D.I. 693] ([D.I. 695](#), filed 10/11/24).**

Status: This matter is going forward.

5. Motion for Allowance and Payment of Secured Claim ([D.I. 548](#), filed 9/11/24).

Objection Deadline: September 25, 2024, at 4:00 p.m. (ET); extended to on or before the hearing on October 9, 2024, for the Debtors, CVI, the Committee and the U.S. Trustee.

Responses Received:

- a) Debtors' Objection to (I) Toccata Automotive Group, Inc's Motion for Allowance and Payment of Secured Claim And (II) To Toccata Automotive Group, Inc's Secured Claim Against Debtors ([D.I. 664](#), filed 10/8/24).

Related Documents: None.

Status: This matter is going forward. The parties are engaging in discussions on a possible agreed resolution.

- 6. Debtors' (I) Motion 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 in Addressing this Matter ([D.I. 626](#), filed 10/3/24).

Objection Deadline: October 7, 2024, at 12:00 noon (ET).

Responses Received:

- a) Toccata Automotive Group, Inc. and Phil Harrison's Opposition to Motion for Contempt for Violating Enforcement Order ([D.I. 651](#), filed 10/7/24).

Related Documents:

- a) Declaration of Worla Flolu as Director of Sales for the Debtors in Support of Debtors' (I) Motion 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 in Addressing this Matter ([D.I. 627](#), filed 10/3/24).
- b) Order Shortening Notice of Debtors' (I) Motion 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 in Addressing this Matter ([D.I. 629](#), entered 10/4/24).
- c) The Debtors Notice of Deposition of Phil Harrison Pursuant to Fed. R. Civ. P. 30(b)(1) and Fed. R. Bankr. P. 7030 ([D.I. 637](#), filed 10/4/24).
- d) Motion to Strike the Debtors' Notice of Deposition of Phil Harrison Pursuant to Fed. R.Civ. P. 30(b)(1) and Fed. R. Bankr. P. 7030 ([D.I. 653](#), filed 10/7/24).

Status: This matter is going forward. The Debtors intend to present the testimony of Worla Flolu by declaration.

[Remainder of Page Intentionally Left Blank]

Dated: October 11, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Sophie Rogers Churchill

Robert J. Dehney, Sr. (No. 3578)

Andrew R. Remming (No. 5120)

Brenna A. Dolphin (No. 5604)

Sophie Rogers Churchill (No. 6905)

Echo Yi Qian (No. 7330)

1201 N. Market Street, 16th Floor

Wilmington, Delaware 19801

Tel.: (302) 658-9200

rdehney@morrisnichols.com

aremming@morrisnichols.com

bdolphin@morrisnichols.com

srchurchill@morrisnichols.com

eqian@morrisnichols.com

-and-

DAVIS POLK & WARDWELL LLP

Brian M. Resnick (admitted *pro hac vice*)

Darren S. Klein (admitted *pro hac vice*)

Richard J. Steinberg (admitted *pro hac vice*)

Amber Leary (admitted *pro hac vice*)

450 Lexington Avenue

New York, New York 10017

Tel.: (212) 450-4000

brian.resnick@davispolk.com

darren.klein@davispolk.com

richard.steinberg@davispolk.com

amber.leary@davispolk.com

Counsel to the Debtors and Debtors in Possession