

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re

FULCRUM BIOENERGY, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 24-12008 (TMH)

(Jointly Administered)

Re: D.I. 528, 548, 550

NOTICE OF (I) ENTRY OF ORDER CONFIRMING DEBTORS'  
SECOND AMENDED JOINT CHAPTER 11 PLAN OF  
LIQUIDATION AND (II) OCCURRENCE OF EFFECTIVE DATE

PLEASE READ THIS NOTICE CAREFULLY. IT CONTAINS DEADLINES TO ASSERT (I) ADMINISTRATIVE EXPENSE CLAIMS THAT AROSE ON OR AFTER SEPTEMBER 9, 2024, THROUGH AND INCLUDING THE EFFECTIVE DATE, (II) FEE CLAIMS, AND (III) CLAIMS FOR DAMAGES BASED ON REJECTION OF CONTRACTS OR LEASES BY THE PLAN. THIS NOTICE ALSO CONTAINS ADDITIONAL INFORMATION THAT MAY AFFECT YOUR RIGHTS.

PLEASE TAKE NOTICE THAT:

1. **Entry of Confirmation Order.** On April 14, 2025 (the “Confirmation Date”), the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) entered the *Findings of Fact, Conclusions of Law, and Order Confirming the Second Amended Joint Chapter 11 Plan of Liquidation* (the “Confirmation Order”) [D.I. 550], thereby confirming the Debtors’ *Second Amended Joint Chapter 11 Plan of Liquidation*, dated April 9, 2025 [D.I. 548-1] (together with the Plan Supplement, the “Plan”).<sup>2</sup>

2. **Effective Date.** Each of the conditions precedent to the effectiveness of the Plan has occurred or been waived in accordance with Sections 11.1 and 11.2 of the Plan, and the Plan became effective and was substantially consummated on May 5, 2025 (the “Effective Date”). The Plan and its provisions are binding on the Debtors, any holder of a Claim, and such holder’s respective successors and assigns, whether or not the Claim of such holder is Impaired under the Plan, and whether or not such holder voted to accept the Plan.

3. **Bar Date for Administrative Expense Claims.** In accordance with Section 2.2 of the Plan and paragraph 17 of the Confirmation Order, any and all requests for allowance and/or

<sup>1</sup> The debtors and debtors in possession in these chapter 11 cases, along with each debtor’s federal tax identification numbers are: Fulcrum BioEnergy, Inc. (3733); Fulcrum Sierra BioFuels, LLC (1833); Fulcrum Sierra Finance Company, LLC (4287); and Fulcrum Sierra Holdings, LLC (8498). The Debtors’ service address is: Fulcrum BioEnergy Inc., P.O. Box 220 Pleasanton, CA 94566.

<sup>2</sup> Capitalized terms used but not defined herein are defined in the Plan or the Confirmation Order, as applicable.



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payment of Administrative Expense Claims incurred on or after September 9, 2024, through and including the Effective Date, shall be filed with the Bankruptcy Court and served on the Liquidation Trustee and Delaware Trustee, Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Liquidation Trustee of the Fulcrum Liquidation Trust, Attn: Patrick Healy, 500 Delaware Avenue, Wilmington, Delaware 19801, and counsel to the Liquidation Trustee and Delaware Trustee, Eversheds Sutherland (US) LLP, The Grace Building, 40th Floor, 1114 Avenue of the Americas, New York, New York 10036, Attn: Jennifer Kimble, jenniferkimble@eversheds-sutherland.com and Sameer M. Alifarag, sameeralifarag@eversheds-sutherland.com, Evershed Sutherland (US) LLP, 999 Peachtree Street NW, Suite 2300, Atlanta, Georgia 30309, Attn: Todd C. Meyers, toddmeyers@eversheds-sutherland.com, so as to be actually received on or before **June 4, 2025, at 5:00 p.m. (prevailing Eastern Time)** (the “**Administrative Expense Claims Bar Date**”). Any such request must include, at a minimum, (i) the name of the applicable Debtor that is purported to be liable for the Administrative Expense Claim (ii) the name of the holder of the Administrative Expense Claim; (iii) the amount of the Administrative Expense Claim; (iv) the basis of the Administrative Expense Claim; and (v) supporting documentation for the Administrative Expense Claim.

**UNLESS OTHERWISE ORDERED BY THE BANKRUPTCY COURT, ANY REQUEST FOR ALLOWANCE AND/OR PAYMENT OF AN ADMINISTRATIVE EXPENSE CLAIM ARISING ON OR AFTER SEPTEMBER 9, 2025, THROUGH AND INCLUDING THE EFFECTIVE DATE, THAT IS NOT PROPERLY FILED AND SERVED BY THE ADMINISTRATIVE EXPENSE CLAIMS BAR DATE IS TIME BARRED, SHALL NOT APPEAR ON THE REGISTER OF CLAIMS MAINTAINED BY THE CLAIMS AGENT AND SHALL BE FOREVER BARRED FROM RECEIVING A DISTRIBUTION FROM THE LIQUIDATION TRUST, THE DEBTORS, OR THEIR ESTATES.**

4. **Bar Date for Fee Claims.** In accordance with Section 2.3 of the Plan and paragraph 19 of the Confirmation Order, all final requests for payment of Fee Claims pursuant to sections 327, 328, 329, 330, 331, 503(b) and 1103 of the Bankruptcy Code for services rendered prior to the Effective Date (each a “**Final Fee Application**”) shall be filed no later than **June 19, 2025, at 5:00 p.m. (prevailing Eastern Time)** and simultaneously noticed and served in accordance with the Bankruptcy Court’s *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals* [D.I. 170].

5. **Procedures Relating to Assumption and Rejection of Executory Contracts and Unexpired Leases.** Pursuant to Section 9.1 of the Plan and paragraph 14 of the Confirmation Order, except as otherwise provided in the Plan, each Executory Contract and Unexpired Lease not previously rejected, assumed, or assumed and assigned (including any Executory Contract or Unexpired Lease assumed and assigned in connection with a Sale Transaction) shall be deemed automatically rejected pursuant to sections 365 and 1123 of the Bankruptcy Code, unless such Executory Contract or Unexpired Lease: (i) as of the Effective Date is subject to a pending motion to assume such Unexpired Lease or Executory Contract or (ii) is a D&O Policy or an insurance policy.

6. **Bar Date for Rejection Claims.** Unless otherwise provided by a Court order, any Proofs of Claim based on the rejection of the Debtors’ Executory Contracts or Unexpired Leases pursuant to the Plan or otherwise, must be a) filed with the Claims Agent (i) electronically at

<https://www.veritaglobal.net/fulcrum> using the interface available after clicking the link entitled “Submit Electronic Proof of Claim (ePOC),” or (ii) by hardcopy (x) via first class mail an original, signed copy of the proof of claim must be sent to Fulcrum BioEnergy, Inc., c/o Kurtzman Carson Consultants, LLC dba Verita Global, 222 N. Pacific Highway, Suite 300, El Segundo, CA 90245, or (y) via hand delivery or overnight mail, an original, signed copy of the proof of claim must be sent to Fulcrum BioEnergy, Inc., c/o Kurtzman Carson Consultants, LLC dba Verita Global, 222 N. Pacific Highway, Suite 300, El Segundo, CA 90245; and (b) served on the Liquidation Trustee on or before **June 4, 2025 at 5:00 p.m. (prevailing Eastern Time)**. **Any Allowed Claims arising from the rejection of the Debtors’ Executory Contracts or Unexpired Leases that are not filed within such time shall be forever disallowed and barred.**

7. **Copies of the Confirmation Order and the Plan.** Copies of the Confirmation Order and the Plan are available for review (i) without charge at the Claims Agent’s website, <https://www.veritaglobal.net/fulcrum> or by email at [FulcrumInfo@veritaglobal.com](mailto:FulcrumInfo@veritaglobal.com); and (ii) on the Court’s electronic docket of these chapter 11 cases at the address <http://ecf.deb.uscourts.gov>.

*[Signatures to follow]*

Dated: May 5, 2025  
Wilmington, Delaware

**MORRIS, NICHOLS, ARSHT & TUNNELL LLP**

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