Docket #0050 Date Filed: 8/26/2024

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re Nu Ride Inc., *et al.*,[1] Reorganized Debtors.	Chapter 11 Case No. 23-10831 (MFW) (Jointly Administered)
Nu Ride Inc. (f/k/a Lordstown Motors Corp.) and Lordstown EV Corporation, Plaintiffs, v. Hon Hai Precision Industry Co., Ltd. (a/k/a Hon Hai Technology Group), Foxconn EV Technology, Inc., Foxconn Ventures Pte. Ltd., Foxconn (Far East) Limited, and Foxconn EV System LLC, Defendants.	Adv. Pro. No. 23-50414 (MFW) C.A. No. 24-00931 (MN)

APPELLANTS-DEFENDANTS' STATEMENT OF THE ISSUES ON APPEAL AND DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

Pursuant to Federal Rule of Bankruptcy Procedure 8009, as supplemented by Rule 8009-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, Appellants-Defendants Hon Hai Precision Industry Co., Ltd. (a/k/a Hon Hai Technology Group), Foxconn EV Technology, Inc., Foxconn Ventures Pte. Ltd., Foxconn (Far East) Limited, and Foxconn EV System LLC (collectively, "Foxconn"), respectfully submit the following: (i) statement of issues to be included on appeal from the decision of the United

[1] The Reorganized Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Reorganized Debtors' service address is: Nu Ride Inc. c/o William Gallagher, CEO, M3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.

States Bankruptcy Court for the District of Delaware from the *Order* (D.I. 32), entered on August 1, 2024, granting in part and denying in part *Defendants' Motion to Dismiss All Counts of the Adversary Complaint* (D.I. 8), and the *Memorandum Opinion* (D.I. 31), issued on August 1, 2024; and (ii) designation of items to be included in the record on appeal.

I. STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL

Whether the Bankruptcy Court erred in denying in part Appellants-Defendants' Motion to Dismiss in favor of arbitration, through which Defendants sought to compel arbitration of all Counts in the Complaint.

II. DESIGNATION OF ITEMS TO BE INCLUDED ON THE RECORD

Foxconn submits the following designation of items to be included in the record on appeal (including any exhibit, annex, or addendum thereto):

Dkt. No.	Date Filed	Description
1	06/27/2023	Adversary Complaint (with Exhibits A–K)
3	06/30/2023	Summons and Notice of Pretrial Conference in an Adversary Proceeding (with Notice of Dispute Resolution Alternatives)
8	09/29/2023	Defendants' Motion to Dismiss All Counts to the Adversary Complaint (with Exhibit A)
9	09/29/2023	Defendants' Opening Brief in Support of Their Motion to Dismiss All Counts of the Adversary Complaint
15	11/06/2023	Plaintiffs' Opposition to Defendants' Motion to Dismiss All Counts of the Adversary Complaint (with Exhibit A)
17	11/06/2023	Equity Committee's Joinder to Plaintiffs' Opposition to Defendants' Motion to Dismiss All Counts of the Adversary Complaint
18	11/08/2023	Order Approving Stipulation Permitting Equity Committee Intervention
19	11/30/2023	Defendants' Reply Brief in Support of Their Motion to Dismiss All Counts of the Adversary Complaint
20	12/06/2023	Request for Oral Argument
21	12/07/2024	Notice of Completion of Briefing
31	08/01/2024	Memorandum Opinion

32	08/01/2024	Order
33	08/12/2024	Notice of Appeal (with Exhibits A-B)

CERTIFICATION PURSUANT TO BANKRUPTCY RULE 8009(b)

In an appeal from a bankruptcy court ruling, Bankruptcy Rule 8009(b) requires an appellant to either: (i) order from the court reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary for the appeal and file a copy of the order with the bankruptcy clerk; or (ii) file a certificate with the bankruptcy clerk stating that the appellant is not ordering a transcript. Pursuant to Bankruptcy Rule 8009(b), Foxconn certifies that there are no relevant transcripts because no hearing or oral argument was held, and the Order and Memorandum Opinion were issued on the papers.

[Signature page follows]

Dated: August 26, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Echo Yi Qian
Robert J. Dehney, Sr. (No. 3578)
Donna L. Culver (No. 2983)
Matthew B. Harvey (No. 5186)
Matthew Talmo (No. 6333)
Echo Yi Qian (No. 7330)
1201 N. Market Street, 16th Floor
P.O. Box 1347
Wilmington, DE 19899-1347
Telephone: (302) 658-9200
Facsimile: (302) 658-3989
Email: rdehney@morrisnichols.com
dculver@morrisnichols.com
mharvey@morrisnichols.com
mtalmo@morrisnichols.com
eqian@morrisnichols.com

ALLEN OVERY SHEARMAN STERLING US LLP

Daniel Guyder (admitted *pro hac vice*)
Bradley Pensyl (admitted *pro hac vice*)
Justin Ormand (admitted *pro hac vice*)
Joseph Badtke-Berkow (admitted *pro hac vice*)
Jacob Herz (admitted *pro hac vice*)
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 610-6300
Facsimile: (212) 610-6399
Email: daniel.guyder@aoshearman.com
bradley.pensyl@aoshearman.com
justin.ormand@aoshearman.com
joseph.badtke-berkow@aoshearman.com
jacob.herz@aoshearman.com

-and-

Noah Brumfield (admitted *pro hac vice*)
Patrick Pearsall (admitted *pro hac vice*)
1101 New York Ave NW
Washington, DC 20005
Telephone: (202) 683-3800
Facsimile: (212) 610-6399
Email: noah.brumfield@aoshearman.com
patrick.pearsall@aoshearman.com

Counsel to Foxconn

CERTIFICATE OF SERVICE

I, Echo Yi Qian, certify that I am not less than 18 years of age, and that service of the foregoing was caused to be made on August 26, 2024, via CM/ECF upon those parties registered to receive such electronic notifications and served additionally as indicated below.

Date: August 26, 2024 */s/ Echo Yi Qian*
Echo Yi Qian (No. 7330)

VIA ELECTRONIC MAIL AND CM/ECF

SUSMAN GODFREY L.L.P.
Justin A. Nelson (admitted *pro hac vice*)
Abby Noebels (admitted *pro hac vice*)
1000 Louisiana, Suite 5100
Houston, Texas 77002-5096
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
jnelson@susmangodfrey.com
anoebels@susmangodfrey.com

- and -

Glenn Bridgman (admitted *pro hac vice*)
1900 Avenue of the Stars
Suite 1400
Los Angeles, California 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
gbridgman@susmangodfrey.com

Counsel to Plaintiffs

MORRIS JAMES LLP
Brya Michele Keilson
Eric J. Monzo
500 Delaware Avenue, Suite 1500
P.O. Box 2306
Wilmington, DE 19801
Telephone: (302) 888-6800
Facsimile: (302) 571-1750
Email: bkeilson@morrisjames.com
emonzo@morrisjames.com

Counsel to Plaintiffs and Creditor Committee

FAEGRE DRINKER BIDDLE & REATH LLP
Ian J. Bambrick
Jaclyn C. Marasco
Patrick A. Jackson
222 Delaware Ave
Wilmington, DE 19801-1633
Telephone: (302) 467-4223
Email: Ian.bambrick@faegredrinker.com
Patrick.jackson@faegredrinker.com
jaclyn.marasco@faegredrinker.com

Counsel to Plaintiffs