Docket #0052 Date Filed: 8/29/2024

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. No. 23-50414 (MFW)

DEFENDANTS' MOTION TO STAY PENDING APPEAL ON ARBITRABILITY

[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.

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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, "Defendants"), as Defendants in the above-captioned adversary proceeding, by and through their undersigned counsel, respectfully move (this "Motion") the Court for an order staying the Adversary Proceeding, *see* Adversary Complaint [A.D.I. 1] (the "Complaint"), filed by Plaintiffs Lordstown Motors Corp. (n/k/a Nu Ride Inc.) and Lordstown EV Corporation, pending resolution of Defendants' appeal of the Court's Order [A.D.I. 32] granting in part and denying in part Defendants' Motion to Dismiss on the basis that the claims are arbitrable.

The Supreme Court's recent decision in *Coinbase, Inc. v. Bielski* mandates an automatic stay when, as here, a party appeals from a denial of a motion seeking to enforce its right to arbitrate. 599 U.S. 736, 743–44 (2023). A stay is required as a result of Defendants' Notice of Appeal [A.D.I. 33]. The grounds for this Motion are more fully set forth in *Defendants' Opening Brief in Support of Their Motion to Stay Pending Appeal on Arbitrability* (the "Opening Brief").

Pursuant to Rule 7012-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, the Defendants do not consent, and hereby object, to the entry of final orders or judgments by the Court if it is determined that the Court cannot enter final orders or judgments consistent with Article III of the United States Constitution.

WHEREFORE, Defendants respectfully request that the Court (i) enter the proposed form of order attached hereto as **Exhibit A** staying the Adversary Proceeding pursuant to *Coinbase*, 599 U.S. at 743–44; and (ii) grant any further relief that may be appropriate.

Dated: August 29, 2024
Wilmington, Delaware

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Exhibit A

Proposed Order

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re Nu Ride Inc., *et al.*, 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. No. 23-50414 (MFW)

ORDER GRANTING DEFENDANTS' MOTION
TO STAY PENDING APPEAL ON ARBITRABILITY

Upon consideration of *Defendants' Motion to Stay Pending Appeal on Arbitrability* (the "Motion") filed by 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; the Court having reviewed the Motion, the supporting pleadings, and any responses thereto; and the Court having determined that the legal and factual bases set forth in the Motion and the Opening Brief[1] entitle the Defendants to the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED that:

[1] Undefined terms shall have the meanings ascribed to them in the Motion.

1. The Motion is GRANTED.

2. The Court stays all relevant proceedings, pursuant to *Coinbase, Inc. v. Bielski*, 599 U.S. 736 (2023), including without limitation Defendants' obligation to file a responsive pleading to the Complaint and participate in discovery, pending resolution of Defendants' appeal of the Court's Order [A.D.I. 32] denying in part and granting in part Defendants' Motion to Dismiss in favor of arbitration.

3. The stay shall continue through the pendency of Defendants' appeal to the district court, any appeal by any party to the United States Court of Appeals for the Third Circuit, and any further discretionary appeal granted to any party thereafter, including any appeal before the Third Circuit *en banc* or before the Supreme Court of the United States.

4. Pursuant to Local Rule 8024-1, Defendants shall file a notice of disposition of the appeal, including a written copy of the filing, opinion, or order finally disposing of the appeal, within 3 days of issuance.

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 29, 2024, via CM/ECF upon those parties registered to receive such electronic notifications and served additionally as indicated below.

Date: August 29, 2024 */s/ Echo Yi Qian*
Echo Yi Qian (Del. Bar No. 7330)

VIA ELECTRONIC MAIL

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