Docket #0009 Date Filed: 10/21/2024

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
NU RIDE INC., *et al.*,[1]	Case No. 23-10831 (MFW)
Reorganized Debtors.	(Jointly Administered)
COHEN RECYCLING, INC.,	
Plaintiff and Counterdefendant,	
vs.	Adv. Proc. No. 24-50127 (MFW)
NU RIDE INC.,	
Defendant and Counterclaimant.	

CERTIFICATION OF COUNSEL REGARDING [PROPOSED] SCHEDULING ORDER FOR ADVERSARY PROCEEDING

I, Tara Pakrouh, hereby certify as follows:

1. On June 27, 2023, the above-captioned debtors (collectively, the "Debtors") each filed a voluntary petition under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Delaware (the "Court").

2. On November 22, 2023, the Debtors filed the *Debtors' Motion for Entry of an Order (I) Authorizing, But Not Directing, the Debtors to Repurchase Endurance Trucks from*

[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, M 3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.

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Customers, and (II) Granting Related Relief [Docket No. 731] (the "Decommission Motion").

3. On December 7, 2023, the Court granted the Decommission Motion. *See* Docket No. 790 (the "Vehicle Decommission Order"). In the Vehicle Decommission Order, the Court directed the Debtors to reclaim their Endurance vehicles (collectively, the "Subject Vehicles") and instructed that: "For the avoidance of doubt, the vehicles will be decommissioned . . . ." *See id.* ¶ 4.

4. Beginning in or around December 2023, the Debtors and Cohen Recycling Inc. ("CRI") engaged in discussions for the "decommissioning" of the Subject Vehicles.

5. CRI eventually purchased 31 of the Subject Vehicles. CRI has represented that two of the Subject Vehicles have been resold, and three have been disassembled or were in the process of being disassembled prior to the filing of this adversary proceeding. *See* Adv. P. Docket No. 6 at 3.

6. On March 6, 2024, the Court confirmed the *Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors* [Docket No. 1066] (the "Plan," and the Order confirming the Plan [Docket No. 1069], the "Confirmation Order"). The Plan went Effective on March 14, 2024 (*see* Docket No. 1096).

7. Nu Ride Inc. ("Nu Ride") and its affiliated reorganized debtors in the above-captioned proceeding (the "Post-Effective Date Debtors") filed the *Post-Effective Date Debtors' Motion For (A) Entry of an Order Enforcing the Vehicle Decommission Order and (B) For Related Relief* [Docket No. 1314] (the "Motion to Enforce").

8. On September 5, 2024, CRI initiated an adversary proceeding, styled as *Cohen Recycling, Inc. v Nu Ride Inc.* [Docket No. 1303] (the "Complaint").

9. After briefing on the Motion to Enforce and the filing of CRI's amended Complaint

(Adv. Proc. No. 24-50127, Docket No. 3), the Court held a hearing on September 30, 2024, during which the Court consolidated the parties' dispute into the above-captioned adversary proceeding.

10. Since the hearing, the parties have met and conferred regarding the submission of a scheduling order or orders. Nu Ride has provided CRI with proposed dates regarding discovery, and on October 14, 2024, provided CRI with Nu Ride's proposed scheduling order, a copy of which is attached hereto as **Exhibit A** (the "Proposed Scheduling Order"). As of the date of the filing hereof, the parties have not been able to agree on the form of scheduling order and agreed to submit competing orders.

11. In an effort to move this case forward, Nu Ride therefore submits this Proposed Scheduling Order to provide the Court with Nu Ride's position on scheduling. Nu Ride respectfully requests that the Court enter the Proposed Scheduling Order at its earliest convenience.

Dated: October 21, 2024

MORRIS JAMES LLP

/s/ Tara C. Pakrouh

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Defendant, Nu Ride Inc.

EXHIBIT A

Proposed Scheduling Order

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
NU RIDE INC., *et al.*,[1]	Case No. 23-10831 (MFW)
Reorganized Debtors.	(Jointly Administered)
COHEN RECYCLING, INC., Plaintiff and Counterdefendant,	
vs.	Adv. Proc. No. 24-50127 (MFW)
NU RIDE INC., Defendant and Counterclaimant.	

[PROPOSED] SCHEDULING
ORDER FOR ADVERSARY PROCEEDING

The Court having reviewed this proposed scheduling order (the "Scheduling Order") for the above-referenced adversary proceeding (the "Adversary Proceeding") presented by Defendant Nu Ride Inc. ("Nu Ride" or the "Defendant"), good cause having been shown therefore, and being otherwise fully advised in the premises hereof, does ORDER and ADJUDGE as follows:

1. The Scheduling Order is approved as set forth herein.

2. The schedule of critical events for the adversary proceeding shall be as follows:

[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, M 3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.

I. PLEADINGS

Defendant Nu Ride Inc. ("**Nu Ride**" or "**Defendant**") does not anticipate filing a motion for summary judgment/adjudication, but reserves the right to do so.

All parties consent to service via email.

II. WRITTEN DISCOVERY

The presumptive limit of 25 interrogatories as specified by Bankruptcy Rule 7033(a) shall apply.

All written discovery requests (document requests and interrogatories) to parties presently before the Court shall be served no later than **November 1, 2024**. Service by e-mail shall constitute valid service.

Written discovery requests and/or subpoenas to parties not presently before the Court, including third parties, shall be served on or before **November 1, 2024**. Service by e-mail shall constitute valid service upon parties and third-parties presently before this Court.

Written discovery requests shall be limited to matters directly relevant and proportional to the needs of this Adversary Proceeding, in accordance with Bankruptcy Rule 7026, FRCP 26(a) and Local Bankruptcy Rule 7026-1(a).

Document production by all parties to the written requests shall be completed by **November 15, 2024**.

III. ORAL DISCOVERY

The parties shall meet and confer to discuss the timing and scheduling of depositions. Each party shall be limited to a maximum of five depositions.

All depositions shall be concluded by **December 15, 2024**.

IV. WITNESSES

Nu Ride may call the following witnesses in this Adversary Proceeding:

1. William Gallagher;
2. Michael W. Jones;
3. Andrew Cohen;
4. Andi LePore; and
5. Mike Ahn.

Cohen Recycling, Inc. has not yet determined what witnesses it intends to call in this Adversary Proceeding. It shall file any necessary witness lists within the time required under the Court's rules.

V. TRIAL

The parties shall be prepared to report the case ready for trial no later than **December 22, 2024**.

The parties shall exchange witness lists, trial exhibits, affidavits and/or declarations sought to be introduced at trial, and (if applicable) designations of deposition testimony (with copies to Chambers) no later than **seven days prior to the date scheduled for trial**.

The trial shall be held on a date of this Court's choosing in _____ 2025 and will last for one day only. Nu Ride expects the trial will take between two and four hours.