Docket #0052 Date Filed: 7/28/2025

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	:	Chapter 11
NU RIDE INC., *et al.*,	:	Case No. 23-10831 (MFW)
Debtors.	:	Jointly Administered
COHEN RECYCLING, INC.,	:	
Plaintiff,	:	
v.	:	Adv. Proc. No. 24-50127 (MFW)
NU RIDE INC.,	:	
Defendants.	:	

COHEN RECYCLING, INC.'S OBJECTION TO NU RIDE INC.'S EMERGENCY MOTION FOR CONTEMPT AND MODIFICATION OF CONSENT ORDER

Cohen Recycling, Inc. ("CRI"), through its undersigned counsel, hereby objects to *Nu Ride Inc.'s Emergency Motion for Contempt and Modification of Consent Order* (the "Motion"; D.I. 38) and states as follows:

1. The Motion is the unfortunate result of recordkeeping errors on the part of CRI as well as the Debtors' misapprehension of the relevant facts and reliance upon mere suspicion, styled as an "emergency" motion when any misunderstanding could have been quickly resolved without the need for further litigation and at minimal expense. It must be denied for the simple reason that CRI has not violated the Court's March 3, 2025, Settlement Order.[1]

2. As alleged in CRI's original Complaint in this adversary proceeding, CRI sold four (4) of the Endurance vehicles to a third party (Rick Ford of the Ford Family Auto Collection) prior to the commencement of the adversary case and nearly a year before the Settlement Order was

[1] Capitalized terms not otherwise define herein shall have the meanings ascribed to them in the Motion.

entered. Three more were fully disassembled by CRI. Any prior representations to the contrary were purely the result of recordkeeping errors or faulty recollection and were never made purposely with the intent to mislead the Debtors or the Court. Moreover, no documents relating to any vehicle sold have ever been backdated or otherwise generated for the purpose of misleading others or circumventing any order of the Court.

3. Since the date of the Settlement Order, CRI has not marketed or sold any of the Endurance vehicles, and all of the Remaining Vehicles are still stored securely in the possession of CRI. Attached hereto as **Exhibit A** is a spreadsheet accounting for all of the Endurance vehicles bought by CRI from the Debtors.

4. As reflected in Exhibit A, only four vehicles were ever sold (and each sale long pre-dated the Settlement Order). The -1030 Endurance was never sold and remains in the possession of CRI. The apparent discrepancy in the sale documentation results from one vehicle being swapped for another at the time they were picked up from CRI's lot without the bill of sale being updated to reflect the correct VIN. CRI is not able to explain on behalf of Mr. Ford how he is able to list for sale the -1030 Endurance that remains in the possession and control of CRI on its lot, but it is plainly an error.

5. As correctly set forth in the Motion, a party may be held liable for civil contempt where clear and convincing evidence establishes "(1) that a valid order of the court existed; (2) that the defendants had knowledge of the order; and (3) that the defendants disobeyed the order." *Roe v. Operation Rescue*, 54 F.3d 133, 137 (3d Cir. 1995). But the Motion fails at step one, because there was no existing order when the conduct Debtors complain of – the sale of the four Endurance vehicles to Mr. Ford – took place. CRI cannot be deemed to have had knowledge of an order that did not exist at the time or held retroactively in violation of it.

6. "Civil contempt sanctions are designed either to compensate the injured party or to coerce the defendant into complying with the court's order." *Roe*, 919 F.2d at 868. Here, there is neither any injured party to compensate nor any need to coerce CRI to comply with any order of the Court. CRI has not violated the Settlement Order and has no plan to take any action that would constitute a violation of it in the future.

7. CRI has expressed its willingness to agree to some form of additional order to address the Debtors' concerns, but CRI is not in a position to simply buy back the Endurance vehicles sold to Mr. Ford well before the Settlement Order was contemplated or entered. To the extent that the Debtors are concerned about potential issues arising from Mr. Ford's marketing or sale of the Endurance vehicles in his possession and control, they should seek an order that imposes restrictions on those vehicles rather than seeking amendment of the Settlement Order to force CRI to repurchase them.

WHEREFORE, for the foregoing reasons and those which may be adduced at argument following the ongoing discovery process, CRI respectfully requests that the Court deny the Motion.

Dated: July 28, 2025

WHITEFORD, TAYLOR & PRESTON LLC

/s/ Bradley P. Lehman

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Attorneys for Cohen Recycling, Inc.

EXHIBIT A

	Year	Make	Model	VIN	Status
1	2023	Lordstown	Endurance	7NYLEWFAXPM001050	On the lot
2	2023	Lordstown	Endurance	7NYLEWFAXPM001033	On the lot
3	2023	Lordstown	Endurance	7NYLEWFAXPM001011	On the lot
4	2023	Lordstown	Endurance	7NYLEWFAXPM001002	Dismantled
5	2023	Lordstown	Endurance	7NYLEWFA9PM001055	On the lot
6	2023	Lordstown	Endurance	7NYLEWFA9PM001041	On the lot
7	2023	Lordstown	Endurance	7NYLEWFA9PM001024	On the lot
8	2023	Lordstown	Endurance	7NYLEWFA9PM001010	On the lot
9	2023	Lordstown	Endurance	7NYLEWFA8PM001046	On the lot
10	2023	Lordstown	Endurance	7NYLEWFA8PM001032	Dismantled
11	2023	Lordstown	Endurance	7NYLEWFA7PM001054	On the lot
12	2023	Lordstown	Endurance	7NYLEWFA7PM001040	Sold for Parts
13	2023	Lordstown	Endurance	7NYLEWFA7PM001037	On the lot
14	2023	Lordstown	Endurance	7NYLEWFA6PM001045	On the lot
15	2023	Lordstown	Endurance	7NYLEWFA6PM001031	On the lot
16	2023	Lordstown	Endurance	7NYLEWFA6PM001028	On the lot
17	2023	Lordstown	Endurance	7NYLEWFA5PM001053	On the lot
18	2023	Lordstown	Endurance	7NYLEWFA5PM001036	On the lot
19	2023	Lordstown	Endurance	7NYLEWFA4PM001044	On the lot
20	2023	Lordstown	Endurance	7NYLEWFA4PM001030	On the lot
21	2023	Lordstown	Endurance	7NYLEWFA3PM001052	Dismantled
22	2023	Lordstown	Endurance	7NYLEWFA3PM001049	On the lot
23	2023	Lordstown	Endurance	7NYLEWFA3PM001035	Mike Ahn Sale
24	2023	Lordstown	Endurance	7NYLEWFA2PM001043	On the lot
25	2023	Lordstown	Endurance	7NYLEWFA1PM001048	On the lot
26	2023	Lordstown	Endurance	7NYLEWFA1PM001020	On the lot
27	2023	Lordstown	Endurance	7NYLEWFA0PM001056	Mike Ahn Sale
28	2023	Lordstown	Endurance	7NYLEWFA0PM001042	Sold for Parts
29	2023	Lordstown	Endurance	7NYLEWFA0PM001025	On the lot
30	2023	Lordstown	Endurance	7NYLEWFA0PM001016	On the lot
31	2023	Lordstown	Endurance	7NYLEWFA0PM001008	On the lot

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NU RIDE INC.,	:	
Defendants.	:	

AFFIDAVIT OF ANDREW COHEN IN SUPPORT OF COHEN RECYCLING, INC.'S OBJECTION TO NU RIDE INC.'S EMERGENCY MOTION FOR CONTEMPT AND MODIFICATION OF CONSENT ORDER

Andrew Cohen, being over the age of eighteen years and having knowledge of the facts set forth herein, declares as follows in accordance with 28 U.S.C. § 1746:

1. I am the owner of Cohen Recycling, Inc. ("CRI"). This affidavit has been executed in support of *Cohen Recycling, Inc.'s Objection to Nu Ride Inc.'s Emergency Motion for Contempt and Modification of Consent Order* ("Objection"). Except where expressly indicated, the facts set forth herein are based upon my personal knowledge and/or my review of CRI's books and records, of which I am a custodian.

2. Exhibit A to the Objection is a chart reflecting the true and accurate status of each of the thirty-one (31) vehicles CRI purchased from Nu Ride, Inc. CRI prepared the chart based upon an inspection of the vehicles currently located on its premises and its records of the sale of vehicles to Rick Ford of the Ford Family Auto Collection.

I hereby declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

Dated: July 28, 2025

Andrew Cohen

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 28th day of July, 2025, I caused a true and correct copy of the foregoing **Cohen Recycling, Inc.'s Objection to Nu Ride Inc.'s Emergency Motion for Contempt and Modification of Consent Order** to be served upon all parties registered in this case electronically via the Court's CM/ECF system and upon the parties listed below in the manner indicated:

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