

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FISKER INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Re: Docket No. 6, 75

**CERTIFICATION OF COUNSEL REGARDING FINAL ORDER (I) WAIVING THE
REQUIREMENT TO FILE A LIST OF EQUITY SECURITY HOLDERS AND (II)
AUTHORIZING DEBTORS TO REDACT CERTAIN PERSONAL INFORMATION**

The undersigned counsel to the above-captioned debtors and debtors in possession (the “**Debtors**”) hereby certify as follows:

1. On June 20, 2024, the Debtors filed the *Motion of Debtors for Entry of Interim and Final Orders (I) Waiving the Requirement To File a List of Equity Security Holders and (II) Authorizing Debtors To Redact Certain Personal Information* (D.I. 6) (the “**Motion**”). A proposed form of order granting the relief requested in the Motion on a final basis was attached as Exhibit B to the Motion (the “**Proposed Final Order**”).

2. On June 26, 2024, the Court entered the *Interim Order (I) Waiving the Requirement To File a List of Equity Security Holders and (II) Authorizing Debtors To Redact Certain Personal Information* (D.I. 75).

3. The deadline to file objections to the relief requested in the Motion on a final basis was July 10, 2024, at 4:00 p.m. (ET) (the “**Objection Deadline**”). The Objection Deadline was

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extended for the Office of the United States Trustee (the “**U.S. Trustee**”) to July 11, 2024, at 5:00 p.m. (ET) and for the Official Committee of Unsecured Creditors (the “**Committee**”) to July 17, 2024, at 11:59 p.m. (ET).

4. The Debtors have resolved the informal comments received from the U.S. Trustee and the Committee through revisions to the Proposed Final Order.

5. The Debtors have received no other objection, response, or comments, and no objection or other responsive pleading to the Proposed Final Order appears on the Court’s docket.

6. A copy of the revised Proposed Final Order (the “**Revised Final Order**”) is attached hereto as **Exhibit A**. For the convenience of the Court and all parties interest, a redline comparing the Revised Final Order against the Proposed Final Order is attached hereto as **Exhibit B**.

7. The U.S. Trustee and the Committee have reviewed the Revised Final Order and do not object to its entry.

[Remainder of page intentionally left blank]

WHEREFORE, the Debtors respectfully request that the Court enter the Revised Final Order at its earliest convenience.

Dated: July 19, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Sophie Rogers Churchill

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Counsel to the Debtors and Debtors in Possession

Exhibit A

Revised Final Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FISKER INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Re: Docket No. 6

**FINAL ORDER (I) WAIVING THE REQUIREMENT TO FILE A LIST OF
EQUITY SECURITY HOLDERS AND (II) AUTHORIZING DEBTORS TO
REDACT CERTAIN PERSONAL INFORMATION**

Upon the motion (the “**Motion**”)² of Fisker Inc. and certain of its affiliates (collectively, the “**Debtors**”), each of which is a debtor and debtor in possession in the Chapter 11 Cases, for entry of an order, pursuant to sections 105(a) and 107(c) of the Bankruptcy Code and Bankruptcy Rules 1007 and 2002, (a) waiving the requirement to file a list of equity security holders and (b) authorizing the Debtors to redact certain personal information from documents filed with the Court in the Chapter 11 Cases (including any Creditor Matrix, Schedule, or Statement), each as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157; and the Court having found that it may enter a final order consistent with Article III of the United

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² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

States Constitution; and the Court having found that venue of the Chapter 11 Cases and related proceedings being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to the Notice Parties, such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and the Court having reviewed and considered the Motion and the DiDonato Declaration; and the Court having held a hearing, if necessary, to consider the relief requested in the Motion (the “**Hearing**”); and the Court having determined that the legal and factual bases set forth in the Motion and the DiDonato Declaration and at the Hearing, if any, establish just cause for the relief granted herein; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors, their creditors, their estates, and all other parties in interest; and the Court having determined that the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtors and their estates as contemplated by Bankruptcy Rule 6003; and all objections and reservations of rights filed or asserted in respect of the Motion, if any, having been withdrawn, resolved, or overruled; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth in this order (this “**Order**”).
2. The requirement under Bankruptcy Rule 1007(a)(3) to file an Equity List is waived; *provided, however*, the Debtors are required to file a list of registered equity security holders as of the Petition Date.
3. Any requirement to provide notice directly to all equity security holders under Bankruptcy Rule 2002(d) is hereby modified, such that the Debtors shall: (i) publish the Notice of Commencement on the Debtors’ case website located at <https://www.veritaglobal.net/fisker>; (ii)

file a Form 8-K with the Securities and Exchange Commission (the “SEC”) in accordance with the applicable regulations; and (iii) serve, by first class mail, the Notice of Commencement on all known registered equity security holders (the “**Equity Notice Procedures**”). All registered equity security holders, as applicable, served with the Notice of Commencement shall be required to serve such Notice of Commencement on any holder for whose benefit such registered holder holds stock in one or more of the Debtors. The Debtors are authorized to serve the notices required under Bankruptcy Rule 2002(d) on the registered holders of the Debtors’ equity securities.

4. The service requirements of Bankruptcy Rule 2002(g) are hereby modified to permit service to registered equity security holders by email, where an email account is available to the Debtors, except for service of the: (i) Official Form 309F1 – Notice of Chapter 11 Bankruptcy Case; (ii) notice establishing deadlines for the filings of proofs of claim and requests for allowance of administrative expense claims; (iii) notices related to any proposed sale of all or substantially all of the Debtors’ assets; and (iv) notices of any plan or disclosure statement filed in the Chapter 11 Cases. If no email address is available for any registered equity security holders, or if a registered equity security holder is represented by counsel in these Chapter 11 Cases, the service requirements of Bankruptcy Rule 2002(g) will not be modified for such registered equity security holder. For the avoidance of doubt, the Debtors will also provide electronic notice of all matters affecting the registered equity security holders via the Debtors’ case website located at <https://www.veritaglobal.net/fisker> pursuant to Bankruptcy Rule 2002(d).

5. The Debtors are authorized, but not directed, to redact the home addresses of individuals listed from any document filed or to be filed with the Court in the Chapter 11 Cases (including any Creditor Matrix, Schedule, or Statement); *provided*, that the Debtors shall file under seal and provide unredacted versions of any Creditor Matrix, Schedule, Statement, or other

document filed with the Court and redacted in accordance with this Order to (a) the Court, the U.S. Trustee, counsel to any statutory committee appointed in the Chapter 11 Cases, including the Official Committee of Unsecured Creditors (the “Committee”), Verita, and any subsequently appointed trustee (if any), and (b) any party in interest upon a request to the Debtors (email being sufficient) or to the Court that sets forth a reasonable basis for the request that is reasonably related to the Chapter 11 Cases, in each case, subject to the restrictions and obligations under any applicable data privacy and protection laws and regulations; *provided, further*, that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request; *provided, further*, that, to the extent notice and/or service by mail (as opposed to email) is required or requested, Verita may serve individuals at their personal home addresses, ensuring that each individual will receive the same notices in the Chapter 11 Cases as all other creditors without the unnecessary public disclosure of his or her home address.

6. Nothing in this Order (a) precludes a party in interest’s right to file a motion requesting that the Court unseal information redacted in accordance with this Order or (b) shall waive or otherwise limit the service of any document upon, or the provision of any notice to, any individual whose personal information is sealed or redacted in accordance with this Order. The Debtors shall facilitate a means for service for a party in interest who is required to serve a party whose address information has been redacted pursuant to this order. The corresponding certificate of service for all documents served upon individuals whose home address is sealed or redacted shall confirm such service while redacting the home addresses therefrom. The Debtors shall provide the personal information to any party in interest that files a motion indicating a reasonable basis for why such information is needed (such basis to be reasonably related to the Chapter 11 Cases) if, and to the extent, such motion is granted by the Court after notice and a hearing.

7. Notwithstanding the relief granted herein and any actions taken hereunder, nothing contained herein shall (a) create, nor is it intended to create, any rights in favor of, or enhance the status of any claim held by, any person or entity or (b) be deemed to convert the priority of any claim from a prepetition claim into an administrative expense claim.

8. Nothing in this Order shall be construed as or deemed to constitute (a) an agreement or admission by the Debtors as to the amount, priority, character, or validity of any claim against the Debtors on any grounds, (b) a grant of third-party beneficiary status or bestowal of any additional rights on any third party, (c) a waiver or impairment of any rights, claims, or defenses of the Debtors' rights to dispute the amount, priority, character, or validity of any claim on any grounds, whether under bankruptcy or nonbankruptcy law, (d) a promise by the Debtors to pay any claim, or (e) an implication or admission by the Debtors that such claim is payable pursuant to this Order.

9. Any Bankruptcy Rule or Local Rule that might otherwise delay the effectiveness of this Order is hereby waived, and the terms and conditions of this Order shall be effective and enforceable immediately upon its entry.

10. The Debtors and Verita are authorized to take any action necessary or appropriate to implement and effectuate the terms of, and the relief granted in, this Order without seeking further order of the Court.

11. The Court shall retain jurisdiction over any matter arising from or related to the implementation, interpretation, and enforcement of this Order.

Exhibit B

Redline

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FOR THE DISTRICT OF DELAWARE**

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TO REDACT CERTAIN PERSONAL INFORMATION**

Upon the motion (the “**Motion**”)² of Fisker Inc. and certain of its affiliates (collectively, the “**Debtors**”), each of which is a debtor and debtor in possession in the Chapter 11 Cases, for entry of an order, pursuant to sections 105(a) and 107(c) of the Bankruptcy Code and Bankruptcy Rules 1007 and 2002, (a) waiving the requirement to file a list of equity security holders and (b) authorizing the Debtors to redact certain personal information from documents filed with the Court in the Chapter 11 Cases (including any Creditor Matrix, Schedule, or Statement), each as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157; and the Court having found that it may enter a final order consistent with Article III of the United

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States Constitution; and the Court having found that venue of the Chapter 11 Cases and related proceedings being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to the Notice Parties, such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and the Court having reviewed and considered the Motion and the DiDonato Declaration; and the Court having held a hearing, if necessary, to consider the relief requested in the Motion (the “**Hearing**”); and the Court having determined that the legal and factual bases set forth in the Motion and the DiDonato Declaration and at the Hearing, if any, establish just cause for the relief granted herein; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors, their creditors, their estates, and all other parties in interest; and the Court having determined that the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtors and their estates as contemplated by Bankruptcy Rule 6003; and all objections and reservations of rights filed or asserted in respect of the Motion, if any, having been withdrawn, resolved, or overruled; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth in this order (this “**Order**”).
2. The requirement under Bankruptcy Rule 1007(a)(3) to file an Equity List is waived; provided, however, the Debtors are required to file a list of registered equity security holders as of the Petition Date.
3. Any requirement to provide notice directly to all equity security holders under Bankruptcy Rule 2002(d) is ~~waived, and the~~ hereby modified, such that the Debtors shall: (i) publish the Notice of Commencement on the Debtors’ case website located at

<https://www.veritaglobal.net/fisker>; (ii) file a Form 8-K with the Securities and Exchange Commission (the “SEC”) in accordance with the applicable regulations; and (iii) serve, by first class mail, the Notice of Commencement on all known registered equity security holders (the “Equity Notice Procedures”). All registered equity security holders, as applicable, served with the Notice of Commencement shall be required to serve such Notice of Commencement on any holder for whose benefit such registered holder holds stock in one or more of the Debtors. The Debtors are authorized to serve the notices required under Bankruptcy Rule 2002(d) on the registered holders of the Debtors’ equity securities.

4. The service requirements of Bankruptcy Rule 2002(g) are hereby modified to permit service to registered equity security holders by email, where an email account is available to the Debtors, except for service of the: (i) Official Form 309F1 – Notice of Chapter 11 Bankruptcy Case; (ii) notice establishing deadlines for the filings of proofs of claim and requests for allowance of administrative expense claims; (iii) notices related to any proposed sale of all or substantially all of the Debtors’ assets; and (iv) notices of any plan or disclosure statement filed in the Chapter 11 Cases. If no email address is available for any registered equity security holders, or if a registered equity security holder is represented by counsel in these Chapter 11 Cases, the service requirements of Bankruptcy Rule 2002(g) will not be modified for such registered equity security holder. For the avoidance of doubt, the Debtors will also provide electronic notice of all matters affecting the registered equity security holders via the Debtors’ case website located at <https://www.veritaglobal.net/fisker> pursuant to Bankruptcy Rule 2002(d).

5. ~~4.~~ The Debtors are authorized, but not directed, to redact the ~~names, home and email addresses, and any other personal information~~ of individuals listed from any document filed or to be filed with the Court in the Chapter 11 Cases (including any Creditor Matrix,

Schedule, or Statement); *provided*, that the Debtors shall file under seal and provide unredacted versions of any Creditor Matrix, Schedule, Statement, or other document filed with the Court and redacted in accordance with this Order to (a) the Court, the U.S. Trustee, ~~and~~ counsel to any statutory committee appointed in the Chapter 11 Cases, including the Official Committee of Unsecured Creditors (the “Committee”), Verita, and any subsequently appointed trustee (if any), and (b) any party in interest upon a request to the Debtors (email being sufficient) or to the Court that sets forth a reasonable basis for the request that is reasonably related to the Chapter 11 Cases, in each case, subject to the restrictions and obligations under any applicable data privacy and protection laws and regulations; *provided, further*, that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request; *provided, further*, that, to the extent notice and/or service by mail (as opposed to email) is required or requested, Verita may serve individuals at their personal home addresses, ensuring that each individual will receive the same notices in the Chapter 11 Cases as all other creditors without the unnecessary public disclosure of his or her home address.

6. ~~5.~~ Nothing in this Order (a) precludes a party in interest’s right to file a motion requesting that the Court unseal information redacted in accordance with this Order or (b) shall waive or otherwise limit the service of any document upon, or the provision of any notice to, any individual whose personal information is sealed or redacted in accordance with this Order. The Debtors shall facilitate a means for service for a party in interest who is required to serve a party whose address information has been redacted pursuant to this order. The corresponding certificate of service for all documents served upon individuals whose home address is sealed or redacted shall confirm such service while redacting the home addresses therefrom. The Debtors shall provide the personal information to any party in interest that files a motion indicating a

reasonable basis for why such information is needed (such basis to be reasonably related to the Chapter 11 Cases) if, and to the extent, such motion is granted by the Court after notice and a hearing.

7. ~~6.~~ Notwithstanding the relief granted herein and any actions taken hereunder, nothing contained herein shall (a) create, nor is it intended to create, any rights in favor of, or enhance the status of any claim held by, any person or entity or (b) be deemed to convert the priority of any claim from a prepetition claim into an administrative expense claim.

8. ~~7.~~ Nothing in this Order shall be construed as or deemed to constitute (a) an agreement or admission by the Debtors as to the amount, priority, character, or validity of any claim against the Debtors on any grounds, (b) a grant of third-party beneficiary status or bestowal of any additional rights on any third party, (c) a waiver or impairment of any rights, claims, or defenses of the Debtors' rights to dispute the amount, priority, character, or validity of any claim on any grounds, whether under bankruptcy or nonbankruptcy law, (d) a promise by the Debtors to pay any claim, or (e) an implication or admission by the Debtors that such claim is payable pursuant to this Order.

9. ~~8.~~ Any Bankruptcy Rule or Local Rule that might otherwise delay the effectiveness of this Order is hereby waived, and the terms and conditions of this Order shall be effective and enforceable immediately upon its entry.

10. ~~9.~~ The Debtors and Verita are authorized to take any action necessary or appropriate to implement and effectuate the terms of, and the relief granted in, this Order without seeking further order of the Court.

11. ~~10.~~ The Court shall retain jurisdiction over any matter arising from or related to the implementation, interpretation, and enforcement of this Order.