

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

In re:	Chapter 11
FISKER INC., <i>et al.</i> , ¹	Case No. 24-11390 (TMH)
Debtors.	(Jointly Administered)
	Re: D.I. 38, 59, 98, 184, 260, 361

NOTICE OF FILING OF SETTLEMENT TERM SHEET

PLEASE TAKE NOTICE that on June 21, 2024, the debtors and debtors in possession (collectively, the “**Debtors**”) in the above-captioned cases filed the *Motion of the Debtors for Entry of Interim Order (I) Authorizing the Debtors to Use Cash Collateral, (II) Granting Adequate Protection, (III) Modifying the Automatic Stay, (IV) Scheduling a Further Hearing on the Motion, (V) Granting Related Relief* [Docket No. 38] (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that on July 16, 2024, CVI Investments, Inc. (“**CVI**”) filed the *Motion of CVI Investments, Inc. to Convert the Debtors’ Chapter 11 Cases to Cases Under Chapter 7 of the Bankruptcy Code* [D.I. No. 238] (the “**Motion to Convert**”), requesting conversion of the Chapter 11 Cases to cases under chapter 7, which was scheduled to be heard by the Court on July 29, 2024.

PLEASE TAKE FURTHER NOTICE that this Court has previously entered five orders approving interim use of cash collateral in these cases [D.I. 59, 98, 184, 260, 361] (the “**Prior Interim Order**”).

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors’ corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.



PLEASE TAKE FURTHER NOTICE that the Debtors have engaged in substantial negotiations with CVI, the Official Committee of Unsecured Creditors (the “**Committee**”), and other key parties in interest to reach a global resolution of the Motion to Convert and the Debtors’ ongoing cash needs for the remainder of the case, in order for the Debtors to pursue a chapter 11 plan of liquidation for the benefit of all creditors.

PLEASE TAKE FURTHER NOTICE that to that end, the Debtors filed a *Notice of Settlement and Filing of Proposed Sixth Interim Cash Collateral Order* [D.I. 456], which attached as Exhibit 2 a settlement term sheet between the Debtors, CVI, and the Committee (the “**Settlement Term Sheet**”).

PLEASE TAKE FURTHER NOTICE that following further negotiations with the parties, the Debtors filed a proposed sixth interim cash collateral order [D.I. 477] on August 23, 2024.

PLEASE TAKE FURTHER NOTICE that attached hereto as Exhibit A is the proposed budget intended to be attached as Exhibit B to the sixth interim cash collateral order.

Dated: August 23, 2024
Wilmington, Delaware

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Counsel to the Debtors and Debtors in Possession

Exhibit A

Settlement Budget (USD 000s)

Week Forecast Week Ending	Actuals									Settlement Budget								Total Forecast 8-Weeks
	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Week 1 Forecast	Week 2 Forecast	Week 3 Forecast	Week 4 Forecast	Week 5 Forecast	Week 6 Forecast	Week 7 Forecast	Week 8 Forecast	
	21-Jun-24	28-Jun-24	05-Jul-24	12-Jul-24	19-Jul-24	26-Jul-24	02-Aug-24	09-Aug-24	16-Aug-24	23-Aug-24	30-Aug-24	06-Sep-24	13-Sep-24	20-Sep-24	27-Sep-24	04-Oct-24	11-Oct-24	
Projected Cash Receipts:																		
Receipts from Customers	\$ 512	\$ (194)	\$ 317	\$ 236	\$ 14,847	\$ 499	\$ 1,229	\$ 31	\$ 292	\$ -	\$ 2,988	\$ 7,469	\$ 9,336	\$ 8,694	\$ -	\$ -	\$ -	
Other Receipts	679	425	31	-	1,102	1	1,228	1	167	-	-	-	-	-	-	-	-	
Total Receipts	\$ 1,191	\$ 231	\$ 349	\$ 236	\$ 15,949	\$ 499	\$ 2,457	\$ 32	\$ 459	\$ -	\$ 2,988	\$ 7,469	\$ 9,336	\$ 8,694	\$ -	\$ -	\$ -	
Projected Cash Disbursements:																		
Employee Payroll & Benefits	\$ (169)	\$ (1,285)	\$ (354)	\$ (100)	\$ (916)	\$ (178)	\$ (1,207)	\$ (222)	\$ (1,129)	\$ (552)	\$ (1,810)	\$ (91)	\$ (1,473)	\$ (51)	\$ (1,325)	\$ (63)	\$ (1,223)	
Intercompany Distribution to Fisker GmbH	-	-	-	-	-	-	(2,351)	-	-	-	-	-	-	-	-	-	-	
Taxes / Regulatory	-	(29)	(16)	(56)	(69)	(6)	(18)	(8)	(20)	(461)	-	-	-	-	-	-	(461)	
IT / Software	-	-	-	-	-	-	-	(122)	(324)	(1,634)	(16)	(764)	-	(150)	(335)	(953)	(429)	
Engineering	-	-	-	(34)	(38)	-	-	-	-	(316)	(99)	-	-	-	-	-	(415)	
Recall Related ¹	-	-	-	-	-	-	(120)	(80)	-	(106)	(585)	-	-	-	-	-	(691)	
Professional Services	-	-	-	-	-	-	-	-	-	(65)	(231)	(29)	(29)	(29)	(13)	(13)	(407)	
Board Fees	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(105)	(118)	
Rent/Utilities	-	-	-	(249)	(17)	(3)	(219)	(85)	-	(56)	-	(287)	-	-	-	(147)	(489)	
Insurance	-	-	-	-	-	(58)	(1,675)	-	-	-	-	-	-	-	-	-	-	
Freight & Other	-	-	-	-	-	(56)	(519)	(35)	(190)	(541)	(50)	-	(709)	-	-	-	(1,300)	
Other	(6)	(0)	(15)	-	(7)	(21)	(1)	(9)	(6)	(100)	(100)	(100)	(100)	(100)	(100)	(100)	(750)	
Total Operating Disbursements	\$ (176)	\$ (1,315)	\$ (384)	\$ (440)	\$ (1,047)	\$ (321)	\$ (6,110)	\$ (561)	\$ (1,669)	\$ (3,831)	\$ (2,891)	\$ (1,270)	\$ (2,310)	\$ (330)	\$ (1,772)	\$ (1,380)	\$ (1,715)	
Net Operating Cash Flow / (Deficit)	\$ 1,015	\$ (1,084)	\$ (36)	\$ (204)	\$ 14,902	\$ 178	\$ (3,653)	\$ (530)	\$ (1,210)	\$ (3,831)	\$ 97	\$ 6,199	\$ 7,026	\$ 8,364	\$ (1,772)	\$ (1,380)	\$ (1,715)	
Non Operating:																		
Restructuring Professionals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (131)	\$ (1)	\$ -	\$ (385)	\$ -	\$ (133)	\$ (199)	\$ -	\$ -	\$ (251)	\$ (20,272)	
Utility Deposits	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Estate Wind Down Costs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(750)	
Total Non Operating	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (131)	\$ (1)	\$ -	\$ (385)	\$ -	\$ (133)	\$ (199)	\$ -	\$ -	\$ (251)	\$ (21,022)	
Net Cash Flow / (Deficit)	\$ 1,015	\$ (1,084)	\$ (36)	\$ (204)	\$ 14,902	\$ 178	\$ (3,784)	\$ (531)	\$ (1,210)	\$ (4,216)	\$ 97	\$ 6,066	\$ 6,827	\$ 8,364	\$ (1,772)	\$ (1,631)	\$ (22,737)	
Beginning Restricted Cash Balance	10,090	11,106	10,022	9,986	9,782	24,684.9	24,863	21,080	20,549	19,339	15,123	15,220	21,285	28,112	36,476	34,704	33,073	
Cash Collateralized LCs	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	(6,087)	
Deposits Relating to Imperfected Liens	(1,006)	(1,006)	(1,009)	(1,009)	(1,009)	(1,009)	(1,013)	(1,013)	(1,013)	(1,013)	(1,013)	(1,013)	(1,013)	(1,013)	(1,013)	(1,013)	(1,013)	
Segregated Utility Deposit Account (Fisker TN LLC)	-	-	(63)	(63)	(57)	(57)	(57)	(57)	(57)	(57)	(57)	(57)	(57)	(57)	(57)	(57)	(57)	
Beginning Unrestricted Cash Balance	2,997	4,014	2,863	2,827	2,630	17,533	17,707	13,924	13,393	12,183	7,967	8,064	14,130	20,956	29,320	27,548	25,917	
Net Cash Flow / (Deficit)	1,015	(1,084)	(36)	(204)	14,902	178	(3,784)	(531)	(1,210)	(4,216)	97	6,066	6,827	8,364	(1,772)	(1,631)	(22,737)	
Ending Unrestricted Cash Balance	\$ 4,013	\$ 2,929	\$ 2,827	\$ 2,624	\$ 17,532	\$ 17,711	\$ 13,924	\$ 13,393	\$ 12,183	\$ 7,967	\$ 8,064	\$ 14,130	\$ 20,956	\$ 29,320	\$ 27,548	\$ 25,917	\$ 3,180	

¹ Recall related costs includes only the parts and no labor related costs to install or repair.

² Professionals' post-trigger amount commenced on July 29, 2024. For purposes of paragraphs 12(a)(iv) and (v) of the Sixth Interim Cash Collateral Order, the applicable aggregate amounts set forth in the Settlement Budget for the cumulative applicable period shall be (i) for the time period July 29, 2024 through August 22, 2024, the amount established pursuant to the Fifth Interim Cash Collateral Order for such period and (ii) for the time period commencing August 23, 2024, \$6,325,000 for Debtor Professionals and \$800,000 for Committee Professionals, in each case as set forth in the more detailed budget provided to the Prepetition Secured Parties. For the avoidance of doubt, notwithstanding the inclusion of any Professional fees and expenses in this Settlement Budget, such inclusion does not constitute approval of such Professional fees and expenses, and payment of any Professional fees and expenses remains subject to the terms and conditions of paragraph 12 of the Sixth Interim Cash Collateral Order, including allowance by the Bankruptcy Court and, pursuant to paragraphs 12(b) and 13 of the Sixth Interim Cash Collateral Order, the rights of the Prepetition Secured Parties and any other party in interest to review and object to any fee statement, interim application, or monthly application issued or filed by any Professionals.