

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

In re:

FISKER INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

**AFFIDAVIT OF PUBLICATION OF THE NOTICE OF JOINT HEARING FOR FINAL  
APPROVAL OF THE DISCLOSURE STATEMENT AND CONFIRMATION OF THE PLAN**

This Affidavit of Publication includes the sworn statement verifying that the *Notice of Joint Hearing for Final Approval of the Disclosure Statement and Confirmation of the Plan* was published and incorporated by reference herein as follows:

1. In *The New York Times* on September 23, 2024, attached hereto as **Exhibit A**.

<sup>1</sup> 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 9



# **Exhibit A**



The New York Times Company

620 8th Avenue  
New York, NY 10018  
nytimes.com

# PROOF OF PUBLICATION

September 25, 2024

Sworn to me this 25<sup>th</sup> day  
of September, 2024

Deborah Beshaw Farrell  
Notary Public, State of New York  
No. 01BE5076617  
Qualified in Kings County  
Certificate on file in New York County  
Commission Expires April 21, 2027

I, Larnyce Tabron, in my capacity as a Principal Clerk of the Publisher of The New York Times, a daily newspaper of general circulation printed and published in the City, County, and State of New York, hereby certify that the advertisement annexed hereto was published in the editions of The New York Times on the following date or dates, to wit on.

9/23/2024, NY/NATL, pg B3

*Larnyce Tabron*

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re: FISKER INC., et al., Chapter 11, Case No. 24-11390 (TMH) Debtors (Jointly Administrated)

**NOTICE OF JOINT HEARING FOR FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND CONFIRMATION OF THE PLAN**

—To all persons or entities with a claim against or interest in the following debtors: Fisker Inc., Case No. 24-11390 (TMH); Fisker Group Inc., Case No. 24-11377 (TMH); Fisker TX LLC, Case No. 24-11391 (TMH); Iona Energy Inc., Case No. 24-11322 (TMH); Blue Current Holding LLC, Case No. 24-11393 (TMH); and Platinum IPB LLC, Case No. 24-11394 (TMH) (collectively, the “Debtors”), on June 17 and 19, 2024 (collectively, the “Petition Date”), the Debtors each filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Cases”) in the United States Bankruptcy Court for the District of Delaware (the “Court”).

On September 10, 2024, the Debtors filed the *Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Fisker Inc. and its Other Affiliates* (D.I. 541) (the “*Combined DS and Plan*”), the “*Disclosure Statement*,” and/or the “*Plan*.” On September 10, 2024, the Court entered the Order (I) Approving (A) the *Disclosure Statement* on an interim basis, (B) the *Solicitation and Tabulation Procedures*, and (C) the *Terms of Sale, Solicitation Package and Notices*; (II) Establishing Certain Dates and Deadlines in Connection with the *Solicitation and Confirmation of the Plan*; (III) Scheduling a Joint Hearing for Final Approval of the *Disclosure Statement and Confirmation of the Plan*, and (IV) Granting Related Relief (D.I. 545) (the “*Order*”), which approved the *Disclosure Statement* on an interim basis and established certain deadlines in connection therewith.

Any response or objection to final approval of the *Disclosure Statement* and confirmation of the *Plan* must be in writing, in English, and in a searchable format, (a) comply with the Bankruptcy Code, Bankruptcy Rules, Local Rules, and the *Order*; (b) state with specificity the legal and factual bases thereof; (c) be filed with the Clerk of the Bankruptcy Court, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801, no later than **October 4, 2024, at 5:00 p.m. (ET)** (the “*Combined DS and Plan Objectives Deadline*”); and (d) served on: (i) counsel to the Debtors, (A) Davis Polk & Wardwell LLP, 420 Lexington Avenue, New York, New York 10017, Attn: Brian M. Resnick, Darren S. Klein, Richard J. Steinberg, and Amber Leary; and (B) Morris, Nichols, Aronson & Tunney LLP, 1201 N. Market Street, 16th Floor, Wilmington, Delaware 19801, Attn: Tabron L. Dobson Sr. and Andrew R. Remington; (ii) counsel to the Secured Noteholder, (A) White & Case LLP, 1221 Avenue of the Americas, New York, NY 10020-1095, Attn: Scott Grossman and Elizabeth Field; and (B) Kohn Hantman Harvey Branzburg LLP, 919 N. Market Street, Suite 1000, Wilmington, DE 19801-3962, Attn: Richard M. Deck and Alyssa M. Radovanovich; (iii) the U.S. Trustee, J. Caleb Boggs Federal Building, 944 King Street, Suite 2287, Lockbox 35, Wilmington, DE 19801, Attn: Linda Richardson (linda.richardson@usdoj.gov) and Malcolm M. Bates (malcolm.m.bates@usdoj.gov); and (iv) counsel to the Official Committee of Unsecured Creditors, (A) Morrison & Foerster LLP, 250 West 53rd Street, New York, NY 10019, Attn: Lawrence Mainwaring, Binay Mainwaring, and Benjamin Bortz; and (B) Cole Schatz LLC, 500 Delaware Avenue, Suite 1410, Wilmington, DE 19801, Attn: Jason M. Roberts and Patrick J. Bollogis; as to be received on or before the *Combined DS and Plan Objectives Deadline*.

Pursuant to the *Order*, a joint hearing on the final approval of the *Disclosure Statement* and confirmation of the *Plan* will be held on **October 3, 2024, at 10:00 a.m. (ET)** before Honorable Thomas H. Baker in the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd Floor, Courtroom #7, Wilmington, Delaware 19801.

**ADDITIONAL** The *Plan* contains third-party releases. Holders of Claims and Equity Interests are required to execute and deliver their Ballot on the Voting Opt-Out Form in accordance with the Solicitation Procedures to elect to opt-out of the releases provided by the *Plan*.

**UPON CONFIRMATION OF THE PLAN, ALL HOLDERS OF CLAIMS OR EQUITY INTERESTS THAT DO NOT ELECT TO OPT OUT OF SUCH PROVISIONS, BY EITHER PROPERLY AND TIMELY RETURNING THE OPT-OUT FORM, SUBMITTING ONE THROUGH THE E-OPT-OUT PORTAL,**

**ON THE CASE INFORMATION WEBSITE, OR FILING AN OBJECTION TO THE THIRD-PARTY RELEASE PROVISIONS SET FORTH IN ARTICLE C OF THE PLAN, WILL BE DEEMED TO HAVE EXPRESSLY, UNCONDITIONALLY, GENERALLY, INDIVIDUALLY AND COLLECTIVELY CONSENTED TO THE RELEASE OF ALL CLAIMS AND CAUSES OF ACTION AGAINST THE RELEASED PARTIES AS SET FORTH IN ARTICLE C OF THE PLAN TO BE CONSIDERED VALID, OPT-OUT FORMS MUST BE SUBMITTED VIA THE E-OPT-OUT PORTAL ON THE CASE INFORMATION WEBSITE, OR MUST BE COMPLETED, EXECUTED, AND RETURNED IN ACCORDANCE WITH THE SOLICITATION AND TABULATION PROCEDURES, SO AS TO BE ACTUALLY RECEIVED BY THE CLAIMS AND SOLICITATION AGENT, BY OCTOBER 7, 2024, AT 12:00 P.M. (PREVAILING EASTERN TIME) (THE “OPT-OUT DEADLINE”), UNLESS EXTENDED BY THE DEBTORS IN THEIR SOLE DISCRETION. HOLDERS ARE STRONGLY ENCOURAGED TO CONSIDER SUBMITTING THEIR OPT-OUT FORM VIA THE E-OPT-OUT PORTAL.**

“Released Party” means each of the following, in their capacity as such: (a) each Debtor; (b) each Other Director and Officers (solely for purposes of Article 18.B of this Plan but not, for the avoidance of doubt, for purposes of Article 18.A of the Plan); (c) the Liquidation Trustee; (d) the *Ad Hoc* Assets Trustee; (e) Davis Polk, as counsel to the Debtors; (f) Morris Nichols, as counsel to the Debtors; (g) Huron Consulting Services, LLC, as financial advisor and consultant to the Debtors; (h) Kurtzman Carson Consultants, LLC, d/b/a Veeta Global, as administrative advisor to the Debtors; (i) the Transaction Committee Chairman; (j) the CRO; (k) the Committee and each of its members; (l) the Secured Noteholder; (m) Highgate Capital Management, Inc.; (n) the 2025 Notes Trustee; (o) Magica; (p) each Released Party of each Entry in clauses (c) through (o) above, provided that, for the avoidance of doubt and notwithstanding anything to the contrary herein, the CRO, other than the Other Directors and Officers, the Transaction Committee Chairman and the CRO, the Fisker Parties, the Debtors’ current or former direct or indirect non-Debtor subsidiaries, and the Debtors’ current or former non-Debtor Affiliates are not and shall not be deemed to constitute a Released Party.

“Related Party” means, each solely in its capacity as such, with respect to any Entity, such Entity’s current and former Affiliates, and such Entity’s and its current and former Affiliates’ current and former directors, managers, officers, trust holders (regardless of whether such interests are held directly or indirectly), affiliated investment funds or investment vehicles, managed accounts or funds, predecessors, assignors, participants, successors, assigns, subsidiaries, affiliates, direct or indirect partners, limited partners, general partners, members, principals, management companies, fund advisors or managers, employees, agents, trustees, advisory board members, financial advisors, attorneys, accountants, investment bankers, consultants, representatives, and other professionals and advisors.

“Voting Party” means (a) all holders of Claims or Equity Interests who are sent a Ballot or Non-Voting Opt-Out Form and do not timely elect to opt-out of the releases provided by the *Plan* in accordance with the Solicitation Procedures; (b) each Related Party of each Entry in clause (a) above; and (c) each Released Party, provided that, for the avoidance of doubt and notwithstanding anything to the contrary herein, the Debtors’ (other than the Other Directors and Officers, the Transaction Committee Chairman, and the CRO), the Fisker Parties, the Debtors’ current or former direct or indirect non-Debtor subsidiaries, and the Debtors’ current or former non-Debtor Affiliates are not and shall not be deemed to constitute a Voting Party.

Copies of the *Order*, *Combined DS and Plan*, and other documents and information regarding the Debtors’ Chapter 11 Cases are available free of charge at <https://releases.fisker.com> or by calling (888) 526-3479. Consult the *Order* for additional details regarding voting on *Plan* confirmation and opting out of third-party releases, as well as instructions and procedures for completing and returning Ballots, and opt-out forms. Do not contact the Bank of Court for legal advice.

**THE COURT MAY APPROVE THE DISCLOSURE STATEMENT ON A FINAL BASIS AND CONFIRM THE PLAN WITHOUT FURTHER NOTICE OR HEARING, IF PERSONS OR ENTITIES WITH CLAIMS AGAINST OR INTERESTS IN THE DEBTORS FAIL TO RESPOND IN ACCORDANCE WITH THE NOTICE.**

BY ORDER OF THE COURT

