

Honorable Judge Thomas M. Horan
United States/Delaware Bankruptcy Court
824 North Market Street, 3rd Floor
Wilmington, Delaware, 19801

October 7, 2024

MOTION TO UNSEAL DOCKET 300

Re: Fisker, Inc., et al. Case Number 24-11390

Dear Honorable Judge Horan,

My name is Waverly LeBard. I am a retail investor and shareholder in Fisker for the past 4 years. I'm writing on behalf of myself and many other retail investors.

Your Honor, we kindly and respectfully request and file a motion that Docket 300 be unsealed. As you know, Docket 300 contains five emails from Fisker co-founder, CFO and COO, Geeta Gupta-Fisker to CVI/Capital Heights Management/Susquehanna's CEO, Martin Kobinger, as well as multiple text messages between the two. Those communications will almost certainly shed some light on this persistent question of CVI/Capital Heights Management/Susquehanna's illegal and criminal role during Fisker's undoing at the expense of shareholders like us.

There had been a decision to unseal Docket 300, but then motions were filed to keep it sealed, and until now it has remained sealed and its entry into the public record has been set aside. The maneuvers felt dubious to us, and we are hopeful that unsealing Docket 300 will allow Fisker to reorganize and recover, thereby also allowing shareholders to eventually recover their losses.

Keeping Docket 300 sealed does a disservice to the public (shareholders and Fisker car owners as well) by hindering the SEC investigation and potentially allow the illegal acts of CVI, Capital Heights Management, Susquehanna to be unaddressed and unpunished.

We also respectfully ask that you consider Equitable Subordination of CVI/Capital Heights Management/Susquehanna's, or other secured creditors' claims as appropriate in this case (breach of fiduciary duty, fraud, deceit, as well as other possible violations by CVI/Capital Heights Management/Susquehanna). We seek reassurance, that in the event of a buyout, restructuring of debt, equitable subordination, recharacterization, or discharge of secured creditors claims, that retail investors will be duly considered for potential recovery.

We understand the risks of investing in publicly traded companies, but also believe that law and regulation must protect the public and retail investors.

Your Honor, we respectfully appeal to your sense of Justice and Fairness in this matter.

Sincerely,



Waverly LeBard
3 Town Circle, Apt H.
Rochester, NY 14623
lebard3@gmail.com
443-905-7725

