

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. 626 & 699

ORDER GRANTING DEBTORS' MOTION (I) TO ENFORCE ENFORCEMENT ORDER; (II) TO SANCTION TOCCATA AUTOMOTIVE GROUP, INC. AND PHIL HARRISON FOR CONTEMPT FOR VIOLATING THE SAME; AND (III) FOR ENTRY OF AN ORDER REQUIRING TOCCATA TO PAY ALL OF THE COSTS AND EXPENSES INCURRED BY THE DEBTORS TO ADDRESS THIS MATTER

Upon the motion (the “**Motion**”) filed by the Debtors seeking entry of an order (i) enforcing the Enforcement Order (as defined in the Motion); (ii) sanctioning Toccata Automotive Group, Inc. (“**Toccata**”) and Phil Harrison for contempt; and (iii) requiring Toccata to pay all of the costs and expenses incurred by the Debtors in addressing this matter, and the Court finding that(a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) notice of the Motion and the hearing was sufficient and proper; and (d) the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing to the Court that the Motion should be approved;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

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.



2. Toccata is hereby held in civil contempt of this Court's Enforcement Order entered on September 20, 2024.

3. Phil Harrison is hereby held in civil contempt of this Court's Enforcement Order entered on September 20, 2024.

4. Toccata and Phil Harrison shall pay to the Debtors \$30,199.00 for each of the thirteen (13) Sales Vehicles that were identified in their Proof of Claim which Toccata now claims to have sold to customers prepetition, for a total sum of \$392,587.00.

5. Toccata and Phil Harrison shall pay to the Debtors \$16,500.00 for each of the five (5) Sales Vehicles which Debtors allege were damaged by Toccata and/or Phil Harrison, *see* Flolu Decl. Ex. B, for a total sum of \$82,500.00.

6. Toccata shall pay the combined amounts set forth in paragraphs 5 and 6 of this Order, a total sum of \$475,087.00, within three (3) business days from the entry of this Order.

7. The Debtors shall, within ten (10) days from the entry of this Order, by way of certification of counsel, submit a bill for all such costs and expenses, including attorneys' fees, court costs, and noticing costs, incurred by the Debtors and their estates in connection with this matter, including, without limitation, with respect to preparing, prosecuting, or filing, as the case may be, the Enforcement Motion, the Motion to Shorten, this Motion and its accompanying motion to shorten notice, as well as all related noticing and court costs and serve a copy of such certification of counsel on Toccata and its known principals and representatives, along with wiring instructions.

8. Toccata and Mr. Harrison are hereby ordered to promptly, and in no event later than three (3) days following receipt of the Debtors' certification of counsel, pay all of the Debtors' costs and expenses, including attorneys' fees, court costs, and noticing costs, incurred by the

Debtors and their estates in connection with this matter, including, without limitation, with respect to preparing, prosecuting, or filing, as the case may be, the Enforcement Motion, the Motion to Shorten, this Motion and its accompanying motion to shorten notice, as well as all related noticing and court costs.

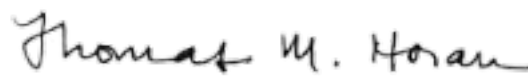
9. This order resolves the Debtors' claims only as with respect to the eighteen (18) vehicles listed above and not any other claims the Debtors may have against Toccata related to other vehicles or conduct.

10. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

11. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

12. The Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: October 11th, 2024
Wilmington, Delaware



THOMAS M. HORAN
UNITED STATES BANKRUPTCY JUDGE