

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

In re:

FIKER INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Obj. Deadline: December 5, 2024, at 4:00 p.m. (ET)

Hearing Date: To be determined.

**FIRST AND FINAL FEE STATEMENT OF RBSM LLP AS ACCOUNTANTS
FOR THE DEBTORS AND DEBTORS IN POSSESSION FOR THE PERIOD
SEPTEMBER 4, 2024, THROUGH AND INCLUDING OCTOBER 17, 2024**

Name of Professional:	RBSM LLP
Authorized to Provide Professional Services to:	Debtors and Debtors in Possession
Date of Retention:	October 4, 2024, <i>nunc pro tunc</i> to September 4, 2024
Period for which compensation and reimbursement is sought:	September 4, 2024, through October 17, 2024
Amount of compensation sought as actual, reasonable and necessary:	\$78,410.00
Amount of reimbursement sought as actual, reasonable and necessary:	\$0.00
This is a <u> x </u> monthly <u> </u> interim <u> x </u> final application	

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.



COMPENSATION BY PROFESSIONAL

FISKER INC., et al.
(Case No. 24-11390 (TMH))

September 4, 2024 through October 17, 2024

Name of Professional	Position of the Applicant, Area of Expertise, Number of Years in that Position, Year of Obtaining License to Practice	Hourly Billing Rate	Total Billed Hours	Total Compensation
Steve Epstein	Position - Tax Senior Expertise – Tax Preparation Years in Tax Preparation – 15 years Licensure – NYS CPA January 1991	\$400	91.5	\$36,600
Carmine Chiappetta	Position – Tax Director Expertise – Tax Planning and Compliance Year in Tax Preparation – 38 Years	\$575	34	\$19,550
S. Sam Berde	Position- Partner Expertise – Accounting Experience – 35 years Licensure – CA CPA since 1991	\$795	24	\$19,080
Peter Stefanou	Position- Managing Partner Expertise – Accounting Experience – 45 years Licensure – Virginia CPA	\$795	4	\$3,180
Total			153.5	\$78,410
BLENDED RATE: \$516				

COMPENSATION BY PROFESSIONAL ACTIVITY

FISKER INC., et al.
(Case No. 24-11390 (TMH))
September 4, 2024 through October 17, 2024

Activity Description	Total Hours	Total Fees
Steven Epstein: - Planning meeting for preparation and completion of consolidated Fisker, Inc. and Subsidiaries for 2023 (“Fisker”). (15.5). - Commencement of Preparation inclusive of all required Federal and State forms (the “Tax Return” for purposes of Activity Description). (22.0). - Commencement of Tax Return preparation. Initial focus on preparation of Fisker’s numerous “Form 5471 – Information Return of US Persons with respect to Certain Foreign Corporations”. (54.0).	91.5	\$36,600.00
Carmine Chiappetta: - Review all prior period papers, workbooks and Tax Return. (8.0). - Discussion with staff on coordinating a best effort to compile data for tax return preparation with emphasis on Form 5471 and state tax return preparation. (2.0). - Commence review of 5471 forms. (24.0).	34.0	\$19,550.00
S. Sam Berde - Review all prior period papers, workbooks and Tax Return. (8.0). - Discussion with staff on coordinating a best effort to compile data for tax return. (16.0).	24.0	\$19,080.00
Peter Stefanou - Engagement planning and acceptance (4.0).	4.0	\$3,180.00
TOTAL	153.5	\$78,410.00

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Obj. Deadline: December 5, 2024, at 4:00 p.m. (ET)

Hearing Date: To be determined.

**FIRST AND FINAL FEE STATEMENT OF RBSM LLP AS ACCOUNTANTS
FOR THE DEBTORS AND DEBTORS IN POSSESSION FOR THE PERIOD
SEPTEMBER 4, 2024, THROUGH AND INCLUDING OCTOBER 17, 2024**

RBSM LLP (“**RBSM**”), as accountants for the debtors and debtors in possession in the above-captioned cases (the “**Debtors**”), submits this final fee statement (the “**Fee Statement**”) for final allowance of compensation for professional services rendered by RBSM to the Debtors for the period of September 4, 2024 through October 17, 2024 (the “**Statement Period**”), pursuant to sections 330 and 331 of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), Rule 2016-2 of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), the United States Trustee’s Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed under 11 U.S.C. § 330 by Attorneys in Larger Chapter 11 Cases, effective November 1, 2013 (the “**U.S. Trustee Guidelines**”) and the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Retained Professionals

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(D.I. 350) (the “**Interim Compensation Procedures Order**”). In support of this Fee Statement, RBSM represents as follows:

JURISDICTION

1. This Court has jurisdiction over this Fee Statement pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are sections 330 and 331 of the Bankruptcy Code, as supplemented by Bankruptcy Rule 2016, Local Rule 2016-2, the U.S. Trustee Guidelines, and the Interim Compensation Procedures Order.

BACKGROUND

3. On June 17 and 19, 2024 (each a “**Petition Date**”), the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code thereby commencing these chapter 11 cases. The Debtors continue to operate their businesses as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

RBSM’S RETENTION

4. On September 18, 2024, the Debtors filed the *Application of Debtors for Entry of an Order (I) (A) Authorizing the Debtors to Employ and Retain RBSM LLP as Accountants Nunc Pro Tunc to September 4, 2024, and (B) Waiving the Information Requirements of Local Rule 2016-2 and (II) Granting Related Relief* (D.I. 571) (the “**RBSM Retention Application**”).

5. On October 4, 2024, this Court granted the RBSM Retention Application pursuant to the *Order (I) (A) Authorizing the Debtors to Employ and Retain RBSM LLP as Accountants Nunc Pro Tunc to September 4, 2024, and (B) Waiving the Information Requirements of Local Rule 2016-2 and (II) Granting Related Relief* (D.I. 632) (the “**RBSM Retention Order**”).

6. The RBSM Retention Order authorized the Debtors to compensate RBSM on the terms of the Engagement Letter, attached to the RBSM Retention Application as **Exhibit C**, subject to the procedures set forth in the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, and any other applicable orders of the Court.

SUMMARY AND VALUATION OF SERVICES

7. The amount of time spent by each employee providing services to the Debtors for the Statement Period is detailed in line-item listings of time entries and descriptive detail set forth herein and in the invoices attached hereto as **Exhibit A**. These are RBSM's normal hourly rates of compensation for work of this character. The reasonable value of the services rendered by RBSM for the Statement Period as Accountants to the Debtors in these chapter 11 cases is \$78,410.00 due for fees. RBSM is not seeking reimbursement for any expenses in this Application.

8. During the Statement Period, RBSM professionals spent 163.5 hours assisting the Debtors and their professionals with accounting services frequent communication with their professionals regarding timelines, status, and updates.

9. RBSM submits that the amount requested comports with sections 327(a) and 328(a) of the bankruptcy Code.

10. In accordance with the factors enumerated in section 330 of the Bankruptcy Code, RBSM submits that the amount requested is fair and reasonable given (a) the complexity of these cases, (b) the time expended, (c) the nature and extent of services rendered, (d) the value of such services, and (e) the costs of comparable services other than in a case under this title.

WHEREFORE, RBSM respectfully requests that the Court enter an Order: (i) granting the Fee Statement and allowing compensation in the amount of \$78,410.00; and (ii) granting such other and further relief as the Court deems just and proper.

Dated: November 21, 2024
New York, NY

RBSM LLP

/s/ S. Sam Berde
S. Sam Berde, Partner
RBSM LLP

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Chapter 11

Case No. 24-11390 (TMH)

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Obj. Deadline: December 5, 2024, at 4:00 p.m. (ET)

Hearing Date: To be determined.

NOTICE OF FILING OF FEE STATEMENT

PLEASE TAKE NOTICE that today, RBSM LLP (the “**Professional**”) filed the attached *First and Final Fee Statement of RBSM LLP, as Accountants for the Debtors and Debtors in Possession for the Period September 4, 2024, Through and Including October 17, 2024* (the “**Fee Statement**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Fee Statement must be made in accordance with the *Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Retained Professionals* (D.I. 350) (the “**Interim Compensation Order**”) and served no later than **December 5, 2024 at 4:00 p.m. (Eastern Time)** (the “**Objection Deadline**”) upon on the following parties (the “**Fee Notice Parties**”): (a) the Debtors, c/o Fisker Inc., 14 Centerpointe Drive, La Palma, CA 90623 (Attn: John C. DiDonato, jdidonato@hcg.com); (b) counsel to the Debtors, Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY, 10017 (Attn: Brian M. Resnick, Esq., brian.resnick@davispolk.com; Darren S. Klein, Esq., darren.klein@davispolk.com; Richard J. Steinberg, Esq., at richard.steinberg@davispolk.com and

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Amber Leary, Esq., at amber.leary@davispolk.com); (c) counsel to the Debtors, Morris Nichols Arsht & Tunnell LLP, 1201 North Market Street, 16th Floor, Wilmington, DE 19801 (Attn: Robert J. Dehney, Sr., Esq., rdehney@morrisnichols.com; Andrew R. Remming, Esq., aremming@morrisnichols.com; Brenna A. Dolphin, Esq., bdolphin@morrisnichols.com; Sophie Rogers Churchill, Esq., srchurchill@morrisnichols.com); (d) counsel to the Official Committee of Unsecured Creditors in the above-captioned Chapter 11 Cases (the “**Committee**”), Morrison & Foerster LLP, 250 West 55th Street, New York, NY 10019-9601 (Attn: Lorenzo Marinuzzi, Esq., lmarinuzzi@mof.com; Douglas Mannal, Esq., dmannel@mof.com; Benjamin Butterfield, Esq., bbutterfield@mof.com; and Miranda K. Russell, Esq., mrussell@mof.com and Cole Schotz, P.C., 500 Delaware Avenue, Suite 1410, Wilmington, DE 19801 (Attn: Justin R. Alberto, Esq., jalberto@coleschotz.com); and (e) the U.S. Trustee, Caleb Boggs Federal Building, 844 King Street, Suite 2207, Lockbox 35, Wilmington, Delaware 19801 (Attn: Linda Richenderfer, Esq., linda.richenderfer@usdoj.gov and Malcom M. Bates, Esq., malcolm.m.bates@usdoj.gov).

PLEASE TAKE FURTHER NOTICE that a hearing on the Application (the “**Hearing**”) before the Honorable Thomas M. Horan, at the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd floor, courtroom #7, Wilmington, Delaware 19801, will take place on a date to be determined. Notice of the Hearing date will be provided in a further notice. If the Hearing is to be held by Zoom videoconference, instructions to appear by Zoom will be provided in the agenda filed prior to the Hearing.

PLEASE TAKE FURTHER NOTICE that only objections made in writing and timely filed and received, in accordance with the procedures above, will be considered by the Court at the Hearing.

PLEASE TAKE FURTHER NOTICE that if you fail to respond in accordance with this notice, the Court may grant the relief requested in the Application without further notice or Hearing.

Dated: November 21, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Brenna A. Dolphin

Robert J. Dehney, Sr. (No. 3578)
Andrew R. Remming (No. 5120)
Brenna A. Dolphin (No. 5604)
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-and-

DAVIS POLK & WARDWELL LLP

Brian M. Resnick (admitted *pro hac vice*)
Darren S. Klein (admitted *pro hac vice*)
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Counsel to the Debtors and Debtors in Possession

EXHIBIT A**COMPENSATION BY PROJECT CATEGORY**

FISKER INC., *et al.*
(Case No. 24-11390 (TMH))

September 4, 2024 through October 17, 2024

Activity Description	Total Hours	Total Fees
Review all prior period papers, workbooks and Tax Return.	14.0	\$9,370.00
Preparation inclusive of all required Federal and State forms (the "Tax Return" for purposes of Activity Description).	22.0	\$8,800.00
Discussion with staff on coordinating a best effort to compile data for tax return preparation with emphasis on Form 5471 and state tax return preparation.	10.0	\$7,510.00
Planning meeting for preparation and completion of consolidated Fisker, Inc. and Subsidiaries for 2023 ("Fisker").	15.5	\$6,200.00
Commencement of Tax Return preparation. Initial focus on preparation of Fisker's numerous "Form 5471 – Information Return of US Persons with respect to Certain Foreign Corporations".	54.0	\$21,600.00
Commence review of 5471 forms.	24.0	\$13,800.00
Engagement planning and acceptance	14.0	\$11,130.00
TOTAL	153.5	\$78,410.00

COMPENSATION BY PROFESSIONAL ACTIVITY

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