

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

In re: FISKER, INC., <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No. 24-11390 (TMH) (Jointly Administered)
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**MOTION OF AKERMAN LLP TO WITHDRAW AS COUNSEL
FOR TOCCATA AUTOMOTIVE GROUP, INC. AND PHIL HARRISON**

Akerman LLP (“Akerman”) hereby moves (the “Motion”) pursuant to Rule 9010-2(b) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), Rule 1.16(b) of the ABA Model Rules of Professional Conduct (the “ABA Rules”), and Rule 1.16(b) of the Delaware Lawyers’ Rules of Professional Conduct (the “Delaware Rules”) for entry of an order permitting Akerman to withdraw its appearance as counsel for Toccata Automotive Group, Inc. (“Toccata”) and Phil Harrison (“Mr. Harrison”). In support of this Motion, Akerman states as follows:

JURISDICTION

1. On June 17, 2024, and June 19, 2024 (the “Petition Dates”), each of the six Debtors filed voluntary petitions for relief under Chapter 11 of the United States Bankruptcy Code (the “Bankruptcy Code”). The cases are jointly administered under Case No. 24-11390 before the Honorable Thomas M. Horan in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”).

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. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue over the Debtors' chapter 11 cases and this Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The bases for relief requested herein are Local Rule 9010-2(b), ABA Rule 1.16(b) and Delaware Rule 1.16(b).

BASIS FOR RELIEF REQUESTED

4. Toccata and Mr. Harrison retained Akerman in September 2024.

5. Local Rule 9010-2(b)(ii) provides that an “attorney may withdraw an appearance for a party without the Court’s permission . . . (ii) when the party (a) has no controversy pending before the Court and (b) the attorney certifies that the party consents to withdrawal of counsel.

6. In the present circumstance, the undersigned certifies that Toccata and Mr. Harrison has instructed Akerman to withdraw as counsel. Akerman seeks entry of an order to withdraw as there are active controversies pending before this Court to which the Toccata and Mr. Harrison are parties.

7. Even to the extent that Court approval were required, grounds exist to permit Akerman’s withdrawal. Rule 61 of the Rules of the Supreme Court of the State of Delaware provides that the Delaware Lawyer’s Rule of Professional Conduct govern the conduct of members of the Bar of this State. Supr. Ct. R. 61. Delaware Rule 1.16(b) permits a lawyer to withdraw from representing a client if certain circumstances exist giving the lawyer good cause to withdrawal. Del. R. Prof. Cond. 1.16(b). ABA Rule 1.16(b) mirrors the language in Delaware 1.16(b).

NOTICE

8. Pursuant to Local Rule 9010-2, governing withdrawal of attorneys, Akerman has filed this Motion and served it upon Toccata and Mr. Harrison via registered or certified mail. In addition, a copy of this Motion was transmitted via e-mail to Toccata and Mr. Harrison.

CONCLUSION

For the foregoing reasons, Akerman respectfully requests the Court to enter an order substantially in the form of **Exhibit A** permitting Akerman to withdraw as counsel for Toccata and Mr. Harrison and terminating their appearance for Toccata and Mr. Harrison in the above-captioned cases.

Dated: Wilmington, Delaware
December 5, 2024

AKERMAN LLP

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and Phil Harrison*

EXHIBIT A

PROPOSED ORDER

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

In re:

FISKER, INC., *et al.*,

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

**ORDER PERMITTING AKERMAN LLP TO WITHDRAW
AS COUNSEL TO TOCCATA AUTOMOTIVE AND PHIL HARRISON**

Upon consideration of the motion (the “Motion”) of Akerman LLP to withdraw as counsel for Toccata Automotive Group, Inc. (“Toccata”) and Phil Harrison (“Mr. Harrison”), pursuant to Local Rule 9010-2, ABA Rule 1.16(b), and Delaware Rule 1.16(b); and adequate notice of the Motion having been given; and it appearing that no other or further notice is necessary; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having determined that consideration of the Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief requested in the Motion; and after due deliberation;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. Akerman LLP is permitted to withdraw as counsel to Toccata Automotive Group, Inc. and Phil Harrison, effective immediately.
3. All notices and papers served or required to be served in the above-captioned cases shall be given and served upon Toccata and Mr. Harrison at the following address unless Toccata and/or Mr. Harrison request in writing notices to be given or papers to be served at a different address:

Tocatta Automotive Group, Inc.
c/o Phil Harrison
9840 N. Michigan Road
Carmel, IN 46032

4. The Court retains jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

Dated: December ____, 2024

PROPOSED

Thomas M. Horan
United States Bankruptcy Judge