

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

In re:

FISKER INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

**ORDER APPROVING STIPULATION REGARDING ALLOWANCE
OF SECURED CLAIM OF MCDERMOTT WILL & EMERY**

The Court, having considered the *Stipulation Regarding Allowance of Secured Claim of McDermott Will & Emery* (the Stipulation”);² and the Court having jurisdiction over the matter raised in the Stipulation pursuant to 28 U.S.C. §§ 157 and 1334; and the Court finding that consideration of the Stipulation and the relief requested therein being a core proceeding pursuant to 28 U.S.C. 157(b)(2); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Stipulation having been provided, and no other or further notice need be provided; and the Court having found and determined that the relief sought in the Stipulation is in the best interests of the Debtors, their estates, creditors, and all parties in interest, and the bases set forth establish just cause for the relief granted therein,

IT IS HEREBY ORDERED THAT:

1. The Stipulation attached hereto as **Exhibit 1** is **APPROVED** 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 Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Stipulation.

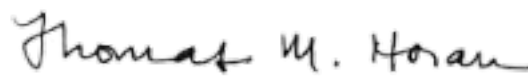


2. In full and final satisfaction of the McDermott Claim, McDermott shall be granted an allowed secured claim in the amount of \$75,000.00 (the “Allowed Secured Claim”) which for the avoidance of doubt will be classified in Class 2 as an Other Secured Claim under the Plan.

3. The Liquidating Trustee is authorized to take any and all actions necessary to effectuate the Stipulation.

4. This Court shall retain jurisdiction over any and all matters arising from or related to the implementation of this Order or the Stipulation.

Dated: December 10th, 2024
Wilmington, Delaware



THOMAS M. HORAN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 1

(Stipulation)

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

In re:

FISKER INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

**STIPULATION REGARDING ALLOWANCE OF
SECURED CLAIM OF MCDERMOTT WILL & EMERY**

This stipulation (the “Stipulation”) is entered into by and between Matthew Dundon, solely in his capacity as the Liquidating Trustee (the “Liquidating Trustee”) of the Fisker Liquidating Trust, on the one hand, and McDermott Will & Emery Rechtsanwälte Steuerberater LLP (“McDermott”), on the other hand, in connection with the McDermott Claim (defined below).

WHEREAS, McDermott performed certain work on behalf of the Debtors prior to the Petition Date (defined below) resulting in the McDermott Claim and McDermott’s retention of certain Swiss share certificates (the “Share Certificates”).

WHEREAS, on June 17, 2024 (the “Petition Date”), the Debtors commenced the above-captioned chapter 11 cases (the “Chapter 11 Cases”).

WHEREAS, on September 10, 2024, McDermott filed a Proof of Claim against Fisker Inc. asserting a general unsecured claim in the amount of \$116,353.55 (Claim No. 3037) (the “McDermott Claim”).

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.

WHEREAS, on October 16, 2024, the Court entered the *Findings of Fact, Conclusions of Law, and Order, Approving the Disclosure Statement on a Final Basis, Confirming the Debtors' Joint Chapter 11 Plan of Liquidation, and Granting Related Relief* (the "Confirmation Order") [Docket No. 722]² which, among other things, appointed the Liquidating Trustee to administer the liquidation and winddown of the Debtors.

WHEREAS, in October 2024, the Liquidating Trustee requested the return of the Share Certificates.

WHEREAS, McDermott asserted rights of retention over the Share Certificates, but agreed to transfer the Share Certificates to the Liquidating Trustee, provided that the Liquidating Trustee agrees that the transfer of the Share Certificates will not affect any claim or security interest McDermott has in the Share Certificates.

WHEREAS, on October 31, 2024, McDermott delivered the Share Certificates to the Liquidating Trustee.

WHEREAS, McDermott and the Liquidating Trustee desire to enter into this Stipulation to resolve disputes related to the Share Certificates and the allowance and amount of the McDermott Claim.

NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

1. This Stipulation is subject to approval by the Court and shall become effective and binding only upon the entry of an order of the Court approving and authorizing its terms.
2. In full and final satisfaction of the McDermott Claim, McDermott shall be granted an allowed secured claim in the amount of \$75,000.00 (the "Allowed Secured Claim") which for the avoidance of doubt will be classified in Class 2 as an Other Secured Claim under the Plan.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Confirmation Order.

3. McDermott, the Liquidating Trustee, and the Liquidating Trust stipulate and agree to waive and release each other from any and all claims other than the Allowed Secured Claim.

Dated: December 10, 2024
Wilmington, Delaware

COLE SCHOTZ P.C.

/s/ Justin R. Alberto

Justin R. Alberto (No. 5126)
Melissa M. Hartlipp (No. 7063)
500 Delaware Avenue, Suite 1410
Wilmington, DE 19801
Telephone: (302) 652-3131
Facsimile: (302) 652-3117
Email: jalberto@coleschotz.com
mhartlipp@coleschotz.com

**MCDERMOTT WILL & EMERY
RECHTSANWÄLTE STEUERBERATER LLP**

/s/ Mathias Kampshoff

Matthias Kampshoff
Stadtter 1
Dusseldorf, NRW, 40219
Germany
Telephone: +49 211 30211 365
Email: mkampshoff@mwe.com

-and-

ASK LLP

Brigette G. McGrath (admitted *pro hac vice*)
Jason C. DiBattista (admitted *pro hac vice*)
2600 Eagan Woods Drive, Suite 400
St. Paul, Minnesota 55121
Telephone: (651) 406-9665
Facsimile: (651) 406-9676
Email: jdibattista@askllp.com
bmcgrath@askllp.com

-and-

Marianna Udem (admitted *pro hac vice*)
60 East 42nd Street, 46th Floor
New York, New York 10165
Telephone: (212) 267-7342
Facsimile: (212) 918-3427
Email: mudem@askllp.com

Co-Counsel to the Liquidating Trustee