

**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)

(Joint Administration Requested)

Re: Docket No. 64

**NOTICE OF (I) DISCLOSURE PROCEDURES
APPLICABLE TO CERTAIN HOLDERS OF SECURITIES,
DISCLOSURE PROCEDURES FOR TRANSFERS OF SECURITIES, AND
DECLARATIONS OF WORTHLESSNESS WITH RESPECT TO INTERESTS
IN AND CERTAIN CLAIMS AGAINST THE DEBTORS' ESTATES,
AND (II) FINAL HEARING ON THE APPLICATION THEREOF**

**TO ALL PERSONS OR ENTITIES WITH INTERESTS OR CERTAIN CLAIMS IN ANY
OF THE DEBTOR ENTITIES:**

PLEASE TAKE NOTICE that, on June 17 and 19, 2024 (the “**Petition Date**”), Fisker Inc. and certain of its affiliates (collectively, the “**Debtors**”), each of which is a debtor and debtor in possession in the above-captioned chapter 11 cases, filed voluntary petitions for relief with the United States Bankruptcy Court for the District of Delaware (the “**Court**”) under chapter 11 of the Bankruptcy Code.² Subject to certain exceptions, section 362 of the Bankruptcy Code operates as a stay of any act to obtain possession of property of or from the Debtors’ estates or to exercise control over property of or from the Debtors’ estates.

PLEASE TAKE FURTHER NOTICE that on the Petition Date, the Debtors filed the *Motion of Debtors for Entry of Interim and Final Orders (I) Establishing Notification and Hearing Procedures for, and Approving Restrictions on, Certain Transfers of and Declarations of Worthlessness with Respect to Interests in and Certain Claims Against the Debtors’ Estates and (II) Establishing a Record Date for Notice and Sell-Down Procedures for Trading in Claims Against the Debtors’ Estates [D.I. 7]* (the “**Motion**”).

PLEASE TAKE FURTHER NOTICE that on June 24, 2024, the Court entered the *Interim Order Establishing Notification and Hearing Procedures for, and Approving Restrictions*

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 used but not otherwise defined herein have the meanings ascribed to them in the Motion, Interim Order, or Proposed Final Order (each as defined herein), as applicable.

on, *Certain Transfers of and Declarations of Worthlessness with Respect to Interests in and Certain Claims Against the Debtors' Estates* [D.I. 64] (the “**Interim Order**”).

PLEASE TAKE FURTHER NOTICE that, in addition to the Interim Order, the Motion requested that the Court enter the *Final Order (I) Establishing Notification and Hearing Procedures for, and Approving Restrictions on, Transfers of and Declarations of Worthlessness with Respect to Interests in and Certain Claims Against the Debtors' Estates and (II) Establishing a Record Date for Notice and Sell-Down Procedures for Trading in Claims Against the Debtors' Estates* (the “**Proposed Final Order**”).

PLEASE TAKE FURTHER NOTICE that, on June 24, 2024, the Court entered the Interim Order [D.I. 64] approving the procedures for certain transfers of Securities and declarations of worthlessness with respect to Securities set forth in Exhibit A to the Interim Order (the “**Securities Procedures**”).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Interim Order, a Beneficial Owner of Securities may not consummate any purchase, sale, or other transfer (including, with respect to the Convertible Notes, certain conversions) of Securities or Beneficial Ownership of Securities in violation of the Securities Procedures, and any such transaction in violation of the Securities Procedures shall be null and void *ab initio*.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Interim Order, the Securities Procedures shall apply to the holding and transfers of Securities or any Beneficial Ownership therein (including, for the avoidance of doubt, the filing of a Substantial Securityholder Notice, to the extent required therein).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Interim Order, a Beneficial Owner may not claim a worthless stock deduction with respect to Securities, or Beneficial Ownership of Securities, in violation of the Securities Procedures, and any such deduction in violation of the Securities Procedures shall be null and void *ab initio*, and the Beneficial Owner shall be required to file an amended tax return revoking such deduction.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Proposed Final Order, a Beneficial Owner of Securities would not be able to consummate any purchase, sale, or other transfer (including, with respect to the Convertible Notes, certain conversions) of Securities or Beneficial Ownership therein in violation of the Securities Procedures, and any such transaction in violation of the Securities Procedures shall be null and void *ab initio*.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Proposed Final Order, the Securities Procedures would apply to the holding and transfers of Securities or any Beneficial Ownership therein (including, for the avoidance of doubt, the filing of a Substantial Securityholder Notice to the extent required therein).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Proposed Final Order, a Beneficial Owner would not be able to claim a worthless stock deduction with respect to Securities, or Beneficial Ownership of Securities, in violation of the Securities Procedures, and any such deduction in violation of the Securities Procedures shall be null and void *ab initio*, and the Beneficial Owner shall be required to file an amended tax return revoking such deduction.

PLEASE TAKE FURTHER NOTICE that, upon the request of any Beneficial Owner of Securities, Kurtzman Carson Consultants LLC, the Debtors' claims and noticing agent, will provide a copy of the Interim Order or Proposed Final Order and a form of each of the declarations required to be filed by the Securities Procedures in a reasonable period of time. Such declarations are also available via PACER on the Court's website at <https://ecf.deb.uscourts.gov> for a fee, or free of charge by accessing the Debtors' case information website located at <https://www.veritaglobal.net/fisker>.

PLEASE TAKE FURTHER NOTICE that the final hearing to consider the relief requested in the Motion will be held on July 16, 2024, at 11:00 a.m. (prevailing Eastern Time) and any objections or responses to the Motion shall be filed and served on the Notice Parties so as to be actually received on or prior to July 9, 2024, at 4:00 p.m. (prevailing Eastern Time).

PLEASE TAKE FURTHER NOTICE THAT FAILURE TO FOLLOW THE SECURITIES PROCEDURES SET FORTH IN THE INTERIM ORDER OR, ONCE ENTERED, THE PROPOSED FINAL ORDER SHALL CONSTITUTE A VIOLATION OF, AMONG OTHER THINGS, THE AUTOMATIC STAY PROVISIONS OF SECTION 362 OF THE BANKRUPTCY CODE.

PLEASE TAKE FURTHER NOTICE THAT ANY PROHIBITED PURCHASE, SALE, OTHER TRANSFER OF, OR DECLARATION OF WORTHLESSNESS WITH RESPECT TO, SECURITIES, OR BENEFICIAL OWNERSHIP THEREOF, OR CONVERSIONS OF CONVERTIBLE NOTES IN VIOLATION OF THE INTERIM ORDER OR, ONCE ENTERED, THE PROPOSED FINAL ORDER IS PROHIBITED, SHALL BE NULL AND VOID *AB INITIO*, AND MAY BE SUBJECT TO ADDITIONAL SANCTIONS AS THE COURT MAY DETERMINE.

PLEASE TAKE FURTHER NOTICE THAT THE REQUIREMENTS SET FORTH IN THE INTERIM ORDER OR, ONCE ENTERED, THE PROPOSED FINAL ORDER ARE IN ADDITION TO THE REQUIREMENTS OF APPLICABLE LAW AND DO NOT EXCUSE COMPLIANCE THEREWITH.

[Signature page follows]

Dated: June 24, 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)
Sophie Rogers Churchill (No. 6905)
Evanthea Hammer (No. 7061)
1201 N. Market Street, 16th Floor
Wilmington, Delaware 19801
Tel.: (302) 658-9200
rdehney@morrисnichols.com
aremming@morrисnichols.com
bdolphin@morrисnichols.com
srchurchill@morrисnichols.com
ehammer@morrисnichols.com

-and-

DAVIS POLK & WARDWELL LLP

Brian M. Resnick (*pro hac vice* pending)
Darren S. Klein (*pro hac vice* pending)
Steven Z. Szanzer (*pro hac vice* pending)
Richard J. Steinberg (*pro hac vice* pending)
450 Lexington Avenue
New York, New York 10017
Tel.: (212) 450-4000
brian.resnick@davispolk.com
darren.klein@davispolk.com
steven.szanzer@davispolk.com
richard.steinberg@davispolk.com

Proposed Counsel to the Debtors and Debtors in Possession