



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

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**Clerk of Court
U.S. Bankruptcy Court, District of Delaware
824 North Market Street, 3rd Floor
Wilmington, DE 19801, USA**

CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

Re: In re Fisker, Inc. , et al., Case No. 24-11390 (TMH)

**RESPONSE OF FMC SERVICES DMCC TO LIQUIDATING TRUSTEE'S TWELFTH
OMNIBUS OBJECTION (SUBSTANTIVE) TO CERTAIN "MISCLASSIFIED CLAIMS"
(AS TO CLAIM NO. 4216)**

FMC Services DMCC ("Claimant") respectfully submits this response (the "Response") to the Liquidating Trustee's Twelfth Omnibus Objection (Substantive) to Certain "Misclassified Claims" (the "Objection") as it pertains to Proof of Claim No. 4216 (the "Claim"). The Objection seeks to reclassify the priority portion of the Claim—asserted as \$15,150 under 11 U.S.C. § 507(a)(4)—to general unsecured on the basis that Claimant purportedly acted as an independent contractor rather than an employee.

Introduction

The invoices bear FMC Services DMCC because Fisker lacked a legal entity in the UAE and directed Marcel Kruetzfeldt to route compensation through FMC temporarily (EOR-style) while he established Fisker's own Dubai entity. The compensation at issue is wages/salary for services personally performed by Mr. Kruetzfeldt as Fisker's Head of Middle East within 180 days prepetition, which Fisker HR, Finance, and leadership acknowledged and approved.

1. Factual Background (Short Form)

- **Hiring intent:** In October/November 2023, Fisker HR Director Dominic Klein discussed direct employment with Mr. Kruetzfeldt. In December 2023, Fisker asked him to use FMC Services DMCC temporarily as an EOR vehicle while he opened Fisker's Dubai entity (work commenced with Meydan Free Zone).
- **Integration:** Before his official start date, Mr. Kruetzfeldt joined investor calls with UAE entities, internal employee calls with Henrik Fisker, and leadership meetings (including with the SVP Europe).
- **Duties & control:** As Head of Middle East, he built Fisker's presence, coordinated dealers, and, as conditions worsened, led investor outreach—arranging a ~US\$300M meeting (Singapore PE office) and a US\$30–50M meeting (Vietnam investor).
- **Status & approvals:** Geeta Fisker approved payout of the salary after consultation with Legal (Claus Peter Thiel) and confirmed employee-equivalent status given Fisker's delay in forming the local entity; a reduced arrears figure was agreed (the amount in the Claim).
- **Period/amount:** The unpaid period (June 1–July 3, 2024) is within 180 days prepetition; the Claim totals \$19,653.73 (with a \$15,150 priority slice).





2. Argument

A. The priority portion constitutes “wages/salaries ... earned by an individual” under § 507(a)(4).

Courts examine substance over form. Here: (i) Fisker directed, supervised, and integrated Mr. Kruetzfeldt’s work (title, reporting, internal calls); (ii) services were performed personally by him (not by a staffed vendor); (iii) compensation was fixed salary, not project profit; (iv) duties were core and ongoing; and (v) HR/Finance and leadership acknowledged and approved salary payment. The only reason FMC Services DMCC appears on invoices is Fisker’s own directive to bridge the period until its Dubai entity existed. On these facts, the \$15,150 is properly entitled to § 507(a)(4) priority.

B. Alternative relief: permit amendment/substitution so the priority portion is held by the individual (or recognize FMC as agent/assignee for wages).

If the Court views the payee name as an obstacle, Claimant requests leave to amend or substitute the priority portion to the name of Marcel Kruetzfeldt, or, alternatively, to recognize FMC Services DMCC as agent/assignee for wages earned by Mr. Kruetzfeldt. Such an amendment corrects capacity/nominal form and causes no prejudice; the Trustee has had full notice of the claim’s wage basis since 2024.

C. At minimum, set a brief evidentiary hearing limited to classification.

Email admissions and leadership approvals create a material factual dispute not suited for omnibus reclassification on the papers. If priority is not allowed on this record, the Court should schedule a short evidentiary hearing on classification.

3. Relief Requested

Claimant respectfully requests that the Court: (i) overrule the Objection as to Claim No. 4216 and allow \$15,150 as priority under § 507(a)(4) (balance as general unsecured); (ii) alternatively, permit amendment/substitution to reflect the individual wage claimant without prejudice; and (iii) grant such other and further relief as is just and proper.

Dated: September 17, 2025

Respectfully submitted,

M. Krutzfeldt

Marcel Kruetzfeldt

On behalf of FMC Services DMCC



Contact Information:

Marcel Kruetzfeldt

Burj Daman, Apt 1103, DIFC, Dubai, United Arab Emirates

marcel.o.kruetzfeldt@gmail.com,

+971-50-6548817



DECLARATION OF MARCEL KRUEZFELDT IN SUPPORT OF RESPONSE TO TWELFTH OMNIBUS OBJECTION (MISCLASSIFIED CLAIMS)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

Clerk of Court
U.S. Bankruptcy Court, District of Delaware
824 North Market Street, 3rd Floor
Wilmington, DE 19801, USA

Re: In re Fisker, Inc. , et al., Case No. 24-11390 (TMH)

I, Marcel Kruetzfeldt, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

- 1. Hiring & Employment Intent.** In October/November 2023, I discussed direct employment with Fisker's HR Director, Dominic Klein. In December 2023, I was asked to help arrange a short-term EOR structure through FMC Services DMCC while I opened Fisker's own Middle East entity. I communicated with Meydan Free Zone for the entity formation.
- 2. Integration as Employee.** Before my official start date, I joined investor calls with UAE entities, participated in internal employee calls with Henrik Fisker, and attended management meetings (including with the SVP Europe). Corresponding invites exist in Fisker's systems.
- 3. Duties & Investor Outreach.** As Head of Middle East, I handled core regional responsibilities and led investor outreach when liquidity concerns arose, arranging two meetings: approximately US\$300 million (Singapore private equity office) and US\$30–50 million (Vietnam investor).
- 4. Status & Approvals.** Geeta Fisker approved salary payout after consultation with Legal (Claus Peter Thiel) and confirmed my employee-equivalent status in light of the delayed UAE entity. We agreed a reduced arrears figure, which is the amount in the Claim.
- 5. Nature of Work & Period.** I handled internal employee-level matters (including later legal/statutory-demand tasks) and worked through the last day despite nonpayment. The unpaid amount (\$19,653.73 total; \$15,150 asserted as priority) is salary for personal services during June 1–July 3, 2024—within 180 days prepetition.
- 6. Exhibits.** True and correct copies of representative correspondence and confirmations have been attached as Exhibits A–F (including condensed combined emails for convenience) in prior communication with the court. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 17, 2025; Respectfully submitted,

M. Kruetzfeldt

Marcel Kruetzfeldt
On behalf of FMC Services DMCC
Marcel Kruetzfeldt
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CERTIFICATE OF SERVICE

I, Marcel Krutzfeldt, certify that on the date set forth below, I served by mail the foregoing Response to the Liquidating Trustee's Twelfth Omnibus Objection (Substantive) – Misclassified Claims, the supporting Declaration of Marcel Krutzfeldt, and Exhibits, upon the following counsel:

by overnight courier so that delivery was completed on or before September 24, 2025 at 4:00 p.m. Eastern Time, upon the following:

Counsel to the Liquidating Trustee:

COLE SCHOTZ P.C. (counsel to the Liquidating Trustee)
Emails: jalberto@coleschotz.com; mhartlipp@coleschotz.com
Physical: 500 Delaware Avenue, Suite 600, Wilmington, DE 19801, USA
USA Courier/Tracking No(s): _____

ASK LLP (co-counsel to the Liquidating Trustee)
Emails: jdibattista@askllp.com; bmcgrath@askllp.com; mudem@askllp.com
Physical: 2600 Eagan Woods Drive, Suite 400, St. Paul, MN 55121, USA; and 60 East 42nd Street, 46th Floor, New York, NY 10165, USA

Courtesy: Claims & Noticing Agent (Verita/KCC)
Email: FiskerInfo@kccllc.com

Filed with the Court (original via mail/courier):
Clerk of Court, U.S. Bankruptcy Court for the District of Delaware, 824 N. Market Street, 3rd Floor, Wilmington, DE 19801, USA
Courier/Tracking No(s): _____

I declare under penalty of perjury that the foregoing is true and correct.
Dated: 17. September 2025
Respectfully submitted,

M. Krutzfeldt

Marcel Krutzfeldt
On behalf of FMC Services DMCC
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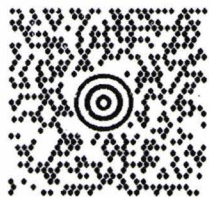
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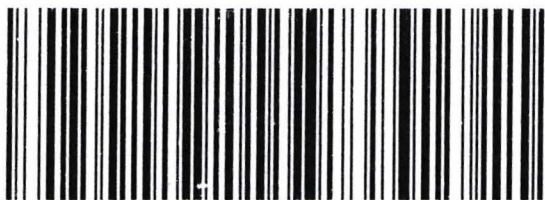
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