

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

FULCRUM BIOENERGY, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-12008 (TMH)

(Jointly Administered)

Re: Docket No. 446

**CERTIFICATION OF COUNSEL REGARDING
THERMOCHEM RECOVERY INTERNATIONAL INC.'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362(d)(1)**

The undersigned, counsel to ThermoChem Recovery International Inc. (“TRI”) in the above-captioned cases, hereby certify as follows:

1. On February 27, 2025, TRI filed *ThermoChem Recovery International Inc.’s Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362(d)(1)* [Docket No. 446] (the “Motion”) with the United States Bankruptcy Court for the District of Delaware (the “Court”).

2. The deadline for filing an objection to the Motion expired on March 13, 2025, and no objection to the Motion was filed or sent to counsel.

3. Since filing the Motion, TRI and the above-captioned debtors and debtors in possession (collectively, the “Debtors”) have conferred, and have agreed upon a form of proposed consent order to resolve the Motion (the “Proposed Consent Order”), attached hereto as **Exhibit A**.

¹ The debtors and debtors in possession in these chapter 11 cases (collectively, the “Debtors”), along with each debtor’s federal tax identification numbers are: Fulcrum BioEnergy, Inc. (3733); Fulcrum Sierra BioFuels, LLC (1833); Fulcrum Sierra Finance Company, LLC (4287); and Fulcrum Sierra Holdings, LLC (8498). The location of the Debtors’ service address is: Fulcrum BioEnergy, Inc., P.O. Box 220 Pleasanton, CA 94566.



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4. Accordingly, it is respectfully requested that the Court enter the Proposed Consent Order at its earliest convenience.

Dated: March 17, 2025
Wilmington, Delaware

COLE SCHOTZ P.C.

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Exhibit A

Proposed Consent Order

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

In re:

FULCRUM BIOENERGY, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-12008 (TMH)

(Jointly Administered)

Re: Docket Nos. 446 and ____

**CONSENT ORDER GRANTING
THERMOCHEM RECOVERY INTERNATIONAL INC.'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362(d)(1)**

Upon consideration of *ThermoChem Recovery International Inc.'s Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362(d)(1)* [Docket No. 446] (the "Motion")² and with consent of the Debtors; and the United States District Court for the District of Delaware having jurisdiction to consider this Motion under 28 U.S.C. § 1334, which was referred to this Court under 28 U.S.C. § 157, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that this Court may enter a final order and this Court having found that venue of this proceeding and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that TRI's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and that no other notice need be provided; and this Court having reviewed the

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

Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Motion is GRANTED, and the automatic stay is lifted as set forth herein.
2. TRI is hereby authorized to proceed with submission of papers and to participate and respond in the Australian Patent Proceedings to assert its co-ownership interests in the patents at issue in that proceeding, and to resume the AAA Arbitration through completion of those proceedings.
3. The Court retains jurisdiction with respect to all matters arising from or related to the interpretation or implementation of this Order.