

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

In re:

FULCRUM BIOENERGY, INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 24-12008 (TMH)

(Jointly Administered)

**DEBTORS' WITNESS AND EXHIBIT LIST  
FOR APRIL 14, 2025 HEARING**

The debtors and debtors in possession (the “Debtors”) in the above-captioned cases hereby submit this witness list identifying the witnesses they may call and exhibits they may submit into evidence at the hearing scheduled for April 14, 2025, at 10:00 a.m. (ET) (the “Hearing”) on the confirmation of the Debtors’ *Second Amended Joint Chapter 11 Plan of Liquidation* [D.I. 522-1] (as may be amended, modified, or supplemented from time to time, the “Plan”).

**WITNESSES**

The Debtors designate the following individuals as witnesses whose live testimony may be relied upon during the Hearing:

Name
<b>Mark J. Smith</b> Director and Chief Restructuring Officer Fulcrum BioEnergy, Inc.
<b>Richard D. Barraza</b> Director and Vice President

<sup>1</sup> The debtors and debtors in possession in these chapter 11 cases, 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. All Court filings can be accessed at: <https://www.veritaglobal.net/Fulcrum>.



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Fulcrum BioEnergy, Inc.
<b>James Lee</b> Vice President of Public Securities Services Kurtzman Carson Consultants, LLC dba Verita Global

The Debtors intend to submit into evidence the following declarations and reserve the right to supplement the declarations through live direct testimony of the witnesses at the Hearing:

1. *Declaration of Mark Smith, Restructuring Advisor to Fulcrum Bioenergy, Inc., in Support of the Chapter 11 Petitions and First Day Motions* [D.I. 9];
2. *Declaration of James Lee of Kurtzman Carson Consultants, LLC dba Verita Global Regarding the Solicitation and Tabulation of Ballots Cast on the Amended Joint Chapter 11 Plan of Liquidation* [D.I. 524]; and
3. *Declaration of Mark Smith in Support of Confirmation of the Debtors' Second Amended Chapter 11 Plans* [D.I. 525]; and

The Debtors cross-designate all witnesses designated by any other party in connection for any purpose at the Hearing and reserves the right to call any rebuttal witnesses. The Debtors may cross-examine any witness presented by any other party.

**EXHIBITS**

The Debtors may submit into evidence the following exhibits, including any attachments thereto, and reserve the right to supplement this list:

<b>Debtors' Exhibit Number</b>	<b>Document Description</b>	<b>Docket Item Reference</b>
1.	August 30, 2024 Audit Letter from the Nevada Department of Taxation	
2.	September 13, 2024 Revised Audit Letter from the Nevada Department of Taxation	
3.	November 26, 2024 Revised Audit Schedule	
4.	November 27, 2024 Revised Audit Schedule	
5.	November 27, 2024 email from the Nevada Department of Taxation.	
6.	Petition for Redetermination of Fulcrum Bioenergy, Inc. and Fulcrum Sierra BioFuels, LLC	
7.	Tax Abatement Agreement by and between Nevada Governor's Office of Economic Development and Fulcrum Sierra BioFuels, LLC dated September 30, 2017	
8.	Proof of Claim No. 19 of State of Nevada Department of Taxation against Debtor Fulcrum Sierra BioFuels, LLC	

9.	Proof of Claim No. 20 of State of Nevada Department of Taxation against Debtor Fulcrum BioEnergy Inc.	
10.	Proof of Claim No. 70 of State of Nevada Department of Taxation against Debtor Fulcrum Sierra BioFuels, LLC	
11.	Proof of Claim No. 173 of State of Nevada Department of Taxation against Debtor Fulcrum BioEnergy Inc.	
12.	Proof of Claim No. 174 of State of Nevada Department of Taxation against Debtor Fulcrum Sierra BioFuels, LLC	
13.	Ballot Tabulation Summary	D.I. 524-1
14.	Class 2A Ballot Detail (Fulcrum Prepetition Loan Secured Claims)	D.I. 524-2
15.	Class 3A Ballot Detail (Fulcrum Deficiency Claims)	D.I. 524-3
16.	Class 2B & 3B Ballot Detail (Holdings Prepetition Bond Secured Claims and Holdings Deficiency Claims)	D.I. 524-4
17.	Class 2C & 3C Ballot Detail (BioFuels Prepetition Bond Secured Claims BioFuels Deficiency Claims)	D.I. 524-5
18.	Class 4A Ballot Detail (Fulcrum Undersecured and General Unsecured Claims)	D.I. 524-6

19.	Class 4C Ballot Detail (BioFuels Undersecured and General Unsecured Claims)	D.I. 524-7
20.	Ballots Excluded from Tabulation	D.I. 524-8
21.	Opt-Out Summary	D.I. 524-9
22.	Liquidation Analysis	D.I. 455-1

### **RESERVATION OF RIGHTS**

The Debtors reserve the right to amend or supplement the foregoing at any time prior to or at the Hearing, including because discussions with parties remain ongoing as of the time of this filing. The Debtors further reserve the right to call any rebuttal or impeachment witness and cross-examine any witness called by any other party at the Hearing. The Debtors reserve the right to not call any witness identified herein.

*[Signature Page Follows]*

Dated: April 9, 2025  
Wilmington, Delaware

**MORRIS, NICHOLS, ARSHT & TUNNELL LLP**

/s/ Curtis S. Miller

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