

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

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

Debtors.¹

Chapter 11

Case No. 24-12008 (TMH)

(Jointly Administered)

**NOTICE OF AMENDED² AGENDA FOR HEARING SCHEDULED FOR
APRIL 14, 2025, AT 10:00 A.M. (EASTERN TIME)**

This proceeding will be conducted in-person in courtroom 4. All counsel and witnesses are expected to attend unless permitted to appear remotely via Zoom. Please refer to Judge Horan's Chambers Procedures and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on who may participate remotely, the method of allowed participation (video or audio), Judge Horan's expectations of remote participants, and the advance registration requirements.

Registration is required by 4:00 p.m. (ET) the business day prior to the scheduled hearing using the eCourt Appearances tool available on the Court's website.

RESOLVED MATTER

1. ThermoChem Recovery International Inc.'s Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362(d)(1) ([D.I. 446](#), filed 2/27/25).

Objection Deadline: March 13, 2025, at 4:00 p.m. (ET).

Responses Received: None.

¹ 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>.

² **Amended items in bold.**



Related Documents:

- A. Certification of Counsel Regarding ThermoChem Recovery International Inc.'s Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362(d)(1) ([D.I. 482](#), filed 3/17/25); and
- B. Consent Order Granting ThermoChem Recovery International Inc.'s Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362(d)(1) ([D.I. 484](#), entered 3/17/24).

Status: An order has been entered. No hearing is necessary.

MATTER UNDER CERTIFICATION

- 2. Debtors' Motion for Entry of an Order (I) Authorizing the Sale of Certain of the Debtors' Assets Free and Clear of All Encumbrances; (II) Approving the Debtors' Entry into the Stock Purchase Agreement; and (III) Granting Related Relief ([D.I. 496](#), filed 3/25/25).

Objection Deadline: April 7, 2025, at 4:00 p.m. (ET).

Responses Received:

- A. Informal comments from the Official Committee of Unsecured Creditors (the "UCC").

Related Documents:

- A. Debtors' Motion for Entry of an Order Shortening Notice of Hearing on the Debtors' Motion for Entry of an Order (I) Authorizing the Sale of Certain of the Debtors' Assets Free and Clear of All Encumbrances; (II) Approving the Debtors' Entry into the Stock Purchase Agreement; and (III) Granting Related Relief ([D.I. 497](#), filed 3/25/25);
- B. Order Shortening Notice of Hearing on the Debtors' Motion for Entry of an Order (I) Authorizing the Sale of Certain of the Debtors' Assets Free and Clear of All Encumbrances; (II) Approving the Debtors' Entry into the Stock Purchase Agreement; and (III) Granting Related Relief ([D.I. 498](#), entered 3/26/25); and
- C. Certification of Counsel Regarding Debtors' Motion for Entry of an Order (I) Authorizing the Sale of Certain of the Debtors' Assets Free and Clear of All Encumbrances; (II) Approving the Debtors' Entry into the Stock Purchase Agreement; and (III) Granting Related Relief (to be filed).

Status: Discussions with interested parties regarding a revised proposed form of order remain on-going. The Debtors intend to file a revised proposed form of order under certification of counsel. This matter is going forward.

MATTER GOING FORWARD

3. Debtors' Motion for Entry of an Order (I) Approving the Disclosure Statement; (II) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Plan; (III) Approving the Form of Ballots and Solicitation Packages; (IV) Establishing the Voting Record Date; (V) Scheduling a Hearing and Establishing Notice and Objection Procedures in Respect of Confirmation of Plan; and (VI) Granting Related Relief ([D.I. 431](#), filed 2/17/25).

Objection Deadline: March 31, 2025, at 4:00 p.m. (ET). Extended to April 3, 2025, at 4:00 p.m. (ET) for the U.S. Trustee and Abeinsa Abener Teyma General Partnership ("Abeinsa") and its parent Abengoa S.A (together with Abeinsa, the "Abengoa Entities").

Responses Received:

- A. State of Nevada, Ex Rel. its Department of Taxation's Objection to Confirmation of Debtor's Joint Chapter 11 Plan of Liquidation ([D.I. 471](#), filed 3/11/25);
- B. [WITHDRAWN] State of Nevada, Ex Rel. its Department of Taxation's Amended Objection to Confirmation of Debtor's Joint Chapter 11 Plan of Liquidation ([D.I. 473](#), filed 3/11/25);
- C. State of Nevada, Ex Rel. its Department of Taxation's Amended Objection to Confirmation of Debtor's Joint Chapter 11 Plan of Liquidation ([D.I. 480](#), filed 3/14/25);
- D. State of Nevada, Ex Rel. its Department of Taxation's Second Amended Objection to Confirmation of Debtor's Joint Chapter 11 Plan of Liquidation ([D.I. 508](#), filed 3/31/25);

Objection to Confirmation of Debtors' Amended Joint Chapter 11 Plan of Liquidation ([D.I. 513](#), filed 4/3/25);

- E. Informal Comments from the U.S. Trustee; and
- F. **State of Nevada, Ex Rel. its Department of Taxation's Response to Debtor's Memorandum of Law in Support of Confirmation of the Amended Chapter 11 Plan of Liquidation ([D.I. 535](#), filed 4/11/25).**

Related Documents:

- A. Disclosure Statement for Joint Chapter 11 Plan of Liquidation ([D.I. 415](#), filed 2/3/25);

- B. Motion to Shorten Notice of Disclosure Statement for Joint Chapter 11 Plan of Liquidation ([D.I. 416](#), filed 2/4/25);
- C. Order Shortening Notice of Disclosure Statement for Joint Chapter 11 Plan of Liquidation ([D.I. 417](#), entered 2/4/25);
- D. Notice of Disclosure Statement Hearing ([D.I. 418](#), filed 2/4/25);
- E. Notice of Debtors' Motion for Entry of an Order (I) Approving the Disclosure Statement; (II) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Plan; (III) Approving the Form of Ballots and Solicitation Packages; (IV) Establishing the Voting Record Date; (V) Scheduling a Hearing and Establishing Notice and Objection Procedures in Respect of Confirmation of Plan; and (VI) Granting Related Relief ([D.I. 432](#), filed 2/17/25);
- F. Notice of Filing of the Amended Disclosure Statement ([D.I. 455](#), filed 3/6/25);
- G. Notice of Filing of the Amended Joint Chapter 11 Plan of Liquidation ([D.I. 456](#), filed 3/6/25);
- H. Certification of Counsel Regarding Debtors' Motion for Entry of an Order (I) Approving the Disclosure Statement; (II) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Plan; (III) Approving the Form of Ballots and Solicitation Packages; (IV) Establishing the Voting Record Date; (V) Scheduling a Hearing and Establishing Notice and Objection Procedures in Respect of Confirmation of Plan; and (VI) Granting Related Relief ([D.I. 457](#), filed 3/6/25);
- I. Order (I) Approving the Disclosure Statement; (II) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject the Plan; (III) Approving the Form of Ballots and Solicitation Packages; (IV) Establishing the Voting Record Date; (V) Scheduling a Hearing and Establishing Notice and Objection Procedures in Respect of Confirmation of Plan; and (VI) Granting Related Relief ([D.I. 458](#), filed 3/7/25);
- J. Notice of (I) Approval of Disclosure Statement, (II) Deadline for Casting Votes to Accept or Reject the Plan, and (III) the Hearing to Consider Confirmation of the Plan ([D.I. 477](#), filed 3/14/25);
- K. Notice of Withdrawal of the State of Nevada, ex rel. its Department of Taxation's Amended Objection to Confirmation of Debtors Amended Joint Chapter 11 Plan of Liquidation ([D.I. 478](#), filed 3/14/25);
- L. Notice of Affidavit of Publication of the Notice of (I) Approval of Disclosure Statement, (II) Deadline for Casting Votes to Accept or Reject the Plan, and (III) the Hearing to Consider Confirmation of the Plan ([D.I. 486](#), filed 3/24/25);

- M. Notice of Filing of Plan Supplement to Debtors' Amended Joint Chapter 11 Plan of Liquidation ([D.I. 487](#), filed 3/24/25);
- N. Notice of Filing of the Second Amended Joint Chapter 11 Plan of Liquidation ([D.I. 522](#), filed 4/9/25);
- O. Notice of Filing of Revised Plan Supplement to Debtors' Second Amended Joint Chapter 11 Plan of Liquidation ([D.I. 523](#), filed 4/9/25);
- P. 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](#), filed 4/9/25);
- Q. Declaration of Mark J. Smith in Support of Confirmation of the Debtors' Second Amended Chapter 11 Plan of Liquidation ([D.I. 525](#), filed 4/9/25);
- R. Debtors' Witness and Exhibit List for April 14, 2025 Hearing ([D.I. 526](#), filed 4/9/25);
- S. Notice of Filing of Proposed Findings of Fact, Conclusions of Law, and Order Confirming the Debtors' Second Amended Joint Chapter 11 Plan of Liquidation ([D.I. 527](#), filed 4/9/25); and
- T. Debtors' Memorandum of Law in Support of Confirmation of the Amended Chapter 11 Plan of Liquidation ([D.I. 528](#), filed 4/9/25);
- U. **State of Nevada, Ex Rel. its Department of Taxation's Motion for Order Lifting Stay and Allowing Administrative Tax Matter to Proceed on Order Shortening Time** ([D.I. 536](#), filed 4/11/25).

Status: The State of Nevada's objection (D.I. 508) remains outstanding. **The State of Nevada's sur-reply (D.I. 535) was filed without permission from the Court and is not permitted under the solicitation procedures order (D.I. 458). The Debtors oppose consideration of the sur-reply at the hearing and will seek to strike the filing. The State of Nevada's stay relief motion (D.I. 536) is not set for this hearing but the Debtors have included it on this agenda so that the Court has all of Nevada's filings.** The Debtors resolved the informal comments of the U.S. Trustee and the objection of the Abengoa Entities through the revised language in the Debtors' *Second Amended Joint Chapter 11 Plan of Liquidation* and the proposed Confirmation Order. This matter is going forward.

Dated: April 13, 2025
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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