

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)

Re: D.I. 503

**CERTIFICATE OF NO OBJECTION REGARDING DEBTORS’
FIRST OMNIBUS (NON-SUBSTANTIVE) OBJECTION
TO CLAIMS - WRONG CASE CLAIMS**

The undersigned hereby certifies that, as of the date hereof, Morris, Nichols, Arsht & Tunnell LLP (“Morris Nichols”) has received no answer, objection or other responsive pleading to *Debtors’ First Omnibus (Non-Substantive) Objection to Claims - Wrong Case Claims* [D.I. 503] (the “Objection”), filed on March 27, 2025.

The undersigned further certifies that Morris Nichols has reviewed the Court’s docket and that no answer, objection or other responsive pleading to the Motion appears thereon. Pursuant to the notice of the Objection, objections to the approval of the Objection were to be filed and served no later than April 17, 2025, at 4:00 p.m. (ET).

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order attached hereto as **Exhibit A** at its earliest convenience.

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>.



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Dated: April 18, 2025
Wilmington, Delaware

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EXHIBIT A

Proposed 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)

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Re: D.I. 503

**ORDER GRANTING DEBTORS' OMNIBUS (NON-SUBSTANTIVE)
OBJECTION TO CLAIMS – WRONG CASE CLAIMS**

Upon consideration of the *Debtors' First Omnibus (Non-Substantive) Objection to Claims – Wrong Case Claims* (the "First Omnibus Objection")² seeking an order to modify the Wrong Case Claims to be deemed filed against the correct Debtor entity; and this Court having jurisdiction to consider the First Omnibus Objection in accordance with 28 U.S.C. § 1334 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)(B); and this Court having found that it may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the First Omnibus Objection in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the First Omnibus Objection is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and it appearing that proper and adequate notice of the First Omnibus Objection has been given

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² Capitalized terms used but not otherwise defined herein shall have the same meaning as ascribed to them in the First Omnibus Objection.

and that no other or further notice is necessary; and upon the record herein; and after due deliberation thereon; and this Court having determined that there is good and sufficient cause for the relief granted in this Order, therefore,

IT IS HEREBY ORDERED THAT:

1. The First Omnibus Objection is sustained in its entirety as set forth herein.
2. Each of the claims listed in the column entitled “Claim Number” on Exhibit A to the First Omnibus Objection is hereby modified so as to be asserted against the correct Debtor in accordance with the Debtors’ books and records, as set forth in the columns on Exhibit A to the First Omnibus Objection entitled “Correct Debtor to Which Claim Will be Transferred” and “Reasons for Modification.”
3. The Debtors and their notice and claims agent, Verita, as well as the Clerk of the Court, are authorized to take all such actions as are necessary and appropriate to effectuate the terms of this Order.
4. To the extent a response is filed regarding any Wrong Case Claim, each such Wrong Case Claim, and the Objection as it pertains to such Wrong Class Claim, will constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order will be deemed a separate order with respect to each Wrong Case Claim.
5. Nothing set forth in this Order shall be construed as, or shall in any way constitute, a waiver of the Debtors’ rights to assert any further objections to the Wrong Case Claims on any additional grounds whatsoever, including but not limited to on the basis that after modification pursuant to this Order, the Wrong Case Claims duplicate other Proofs of Claims, and all such rights of the Debtors are hereby preserved.

6. Nothing set forth in this Order shall be construed as, or shall in any way constitute, (i) a waiver of the Debtors' rights to assert any objections to any claims or proofs of claim on any additional grounds whatsoever; or (ii) a waiver of any party's right to dispute any prepetition claim on any ground, and all such rights are hereby preserved.

7. This Order shall be a final order with respect to each of the Wrong Case Claims identified on **Exhibit A** to the First Omnibus Objection as if the Debtors had objected individually to each such Wrong Case Claim.

8. The terms and conditions of this Order shall be immediately enforceable and effective upon its entry.

9. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.