

**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

Hearing Date:
October 2, 2024, at 11:00 a.m. (ET)

Objection Deadline:
September 25, 2024, at 4:00 p.m. (ET)

**OMNIBUS NOTICE OF FIRST DAY MOTIONS AND BIDDING PROCEDURES
MOTION AND FINAL HEARING THEREON**

PLEASE TAKE NOTICE that, on September 9, 2024, the debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), and related pleadings with the United States Bankruptcy Court for the District of Delaware. On September 10 and 11, 2024, the Debtors filed, among other documents, the following first day motions with the Court (collectively, the “First Day Motions”):

D.I. No.	First Day Pleadings
6	Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses, and (II) Granting Related Relief
7	Debtors’ Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Continue to Operate Their Cash Management System and (II) Granting Related Relief
8	Debtors’ Motion for Entry of an Order (I) Approving the Debtors’ Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving the Debtors’ Proposed Procedures for Resolving Adequate Assurance Requests, and (IV) Granting Related Relief

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>.



<u>10</u>	Debtors’ Motion for Interim and Final Orders (I) Authorizing Debtor to (A) Continue Insurance Programs and Surety Bond Program, (B) Pay All Obligations With Respect Thereto, and (II) Granting Related Relief
<u>11</u>	Debtors’ Emergency Motion for Interim and Final Orders Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, 364, 503 and 507 (I) Authorizing the Debtors to Obtain Senior Secured Superpriority Postpetition Financing; (II) Granting (A) Liens and Superpriority Administrative Expense Claims and (B) Adequate Protection to Certain Prepetition Bondholders; (III) Authorizing Use of Cash Collateral; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief

PLEASE TAKE FURTHER NOTICE that a hearing on the First Day Motions was held on September 12, 2024. The Court approved the First Day Motions identified above on an interim basis.

PLEASE TAKE FURTHER NOTICE that on September 11, 2024, the Debtors filed the following motion with the Court (the “Bid Procedures Motion”).

D.I. No.	Bidding Procedures Motion
<u>12</u>	Debtors’ Motion for (I) an Order Pursuant to Sections 105, 363, 364, 365 and 541 of the Bankruptcy Code, Bankruptcy Rules 2002, 6004, 6006 and 9007 and Del. Bankr. L.R. 2002-1 and 6004-1 (A) Approving Bidding Procedures for the Sale of Substantially all of the Debtors’ Assets; (B) Approving the Debtors’ Entry into Stalking Horse Agreement and Related Bid Protections (C) Approving Procedures for the Assumption and Assignment or Rejection of Designated Executory Contracts and Unexpired Leases; (D) Scheduling an Auction and Sale Hearing; (E) Approving Forms and Manner of Notice of Respective Dates, Times, and Places in Connection Therewith; and (F) Granting Related Relief; (II) an Order (A) Approving the Sale of the Debtors’ Assets Free and Clear of Claims, Liens, and Encumbrances; and (B) Approving the Assumption and Assignment of Designated Executory Contracts and Unexpired Leases; and (III) Certain Related Relief

PLEASE TAKE FURTHER NOTICE that any responses or objections to final approval of the relief requested in the First Day Motions and Bid Procedures Motion must (a) be in writing; (b) be filed with the Clerk of the Bankruptcy Court, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801, on or before **SEPTEMBER 25, 2024 AT 4:00 P.M. (ET)** (the “Objection Deadline”); and (c) served so as to be received on or before the Objection Deadline by the undersigned proposed counsel to the Debtors.

PLEASE TAKE FURTHER NOTICE THAT A HEARING ON THE FINAL APPROVAL OF THE RELIEF REQUESTED IN THE FIRST DAY MOTIONS WILL BE HELD ON OCTOBER 2, 2024 AT 11:00 A.M. (ET) BEFORE THE HONORABLE THOMAS M. HORAN.

PLEASE TAKE FURTHER NOTICE THAT ONLY OBJECTIONS MADE IN WRITING AND TIME FILED AND RECEIVED IN ACCORDANCE WITH THE PROCEDURES ABOVE WILL BE CONSIDERED BY THE COURT AT SUCH HEARING. IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY

GRANT THE RELIEF REQUESTED IN THE FIRST DAY MOTIONS ON A FINAL BASIS WITHOUT FURTHER NOTICE OR HEARING.

Dated: September 12, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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Proposed Counsel for the Debtors and Debtors in Possession