

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

In re:  NU RIDE INC., <i>et al.</i> , <sup>1</sup>  Reorganized Debtors.	Chapter 11  Case No. 23-10831 (MFW)  (Jointly Administered)  <b>Ref. Docket No. 790</b>
--------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------

---

**NOTICE OF SUBPOENA FOR RULE 2004 EXAMINATION**

**PLEASE TAKE NOTICE** that, pursuant to Rules 2004 and 9016 of the Federal Rules of Civil Procedure and Rule 2004-1(c)(i) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, notice is hereby given that reorganized debtors in the above-captioned Chapter 11 cases (the “Reorganized Debtors”) by and through their undersigned counsel, hereby provide notice to all parties that the Reorganized Debtors intend to serve the Subpoena, attached hereto as Exhibit 1, on Copart, Inc. for Rule 2004 examination.

**PLEASE TAKE FURHTER NOTICE** that, as indicated on the face of the Subpoena, Copart, Inc. is requested to respond and produce for inspection and copying the documents described in Attachment A of the Subpoena (the “Requests”) at the offices of Morris James LLP, 500 Delaware Ave., Suite No. 1500, Wilmington, Delaware 19801, Attention: Tara C. Pakrouh, tpakrouh@morrisjames.com, by June 26, 2024 at 5:00 p.m. (ET) or such other date as may be agreed upon by the parties.

*[Signature Page Follows]*

---

<sup>1</sup> The Reorganized Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Reorganized Debtors’ service address is: Nu Ride Inc. c/o William Gallagher, CEO, M 3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.



Dated: June 14, 2024

**MORRIS JAMES LLP**

/s/ Tara C. Pakrouh

Eric J. Monzo (DE Bar No. 5214)  
Brya M. Keilson (DE Bar No. 4643)  
Tara C. Pakrouh (DE Bar No. 6192)  
500 Delaware Avenue, Suite 1500  
Wilmington, DE 19801  
Telephone: (302) 888-6800  
Facsimile: (302) 571-1750  
E-mail: emonzo@morrisjames.com  
bkeilson@morrisjames.com  
tpakrouh@morrisjames.com

-and-

**BROWN RUDNICK LLP**

Robert J. Stark (admitted *pro hac vice*)  
Bennett S. Silverberg (admitted *pro hac vice*)  
Michael S. Winograd (admitted *pro hac vice*)  
7 Times Square  
New York, NY 10036  
Telephone: (212) 209-4800  
Facsimile: (212) 209-4801  
E-mail: rstark@brownrudnick.com  
bsilverberg@brownrudnick.com  
mwinograd@brownrudnick.com

-and-

Sharon I. Dwoskin (admitted *pro hac vice*)  
Matthew A. Sawyer (admitted *pro hac vice*)  
One Financial Center  
Boston, MA 02111  
Telephone: (617) 856-8200  
Facsimile: (617) 856-8201  
E-mail: sdwoskin@brownrudnick.com  
msawyer@brownrudnick.com

*Counsel to the Post-Effective Date Debtors*

**EXHIBIT 1**

**Subpoena**

UNITED STATES BANKRUPTCY COURT

FOR THE District of DELAWARE

In re NU RIDE, INC.  
Debtor

Case No. 23-10831 (MFW)  
Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Copart, Inc., 14185 Dallas Parkway, Dallas TX 75254  
*(Name of person to whom the subpoena is directed)*

*Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

*Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See Attachment A; due June 26, 2024 at 5:00 p.m. (ET); Production can be made via email to [tpakrouh@morrisjames.com](mailto:tpakrouh@morrisjames.com)

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: June 14, 2024

CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

/s/ Tara C. Pakrouh  
*Attorney's signature*

The name, address, email address, and telephone number of the attorney representing *(name of party)* Nu Ride, Inc., who issues or requests this subpoena, are:

Tara C. Pakrouh, Esq., Morris James LLP, 500 Delaware Avenue, Suite 1500, Wilmington, DE 19801, [tpakrouh@morrisjames.com](mailto:tpakrouh@morrisjames.com), (302) 888-6800

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)**

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**ATTACHMENT A**  
**DEFINITIONS**

In construing these Requests, the following definitions shall apply, whether or not capitalized herein:

In construing these Requests, the following definitions shall apply, whether or not capitalized herein:

1. “Action” refers to the above-captioned adversary proceeding.
2. “Affiliate” has the meaning ascribed to such term in section 101(2) of the Bankruptcy Code.
3. “Any” means “each and every,” “any and all,” and “any one.”
4. “Bankruptcy Proceedings” means the jointly administered cases pending before the United States Bankruptcy Court for the District of Delaware under lead Case No. 23-10831 (MFW).
5. “Communication” is used in its broadest sense and includes but is not limited to any transmission or exchange of information between two or more persons, whether orally or in writing, including without limitation any conversation or discussion by means of email, text message, letter, note, memorandum, inter-office correspondence, telephone, telegraph, telex, telecopies, cable communicating data processors, or any other electronic or other medium. The term “Communication” is not limited to internal Communications but includes Communications between the Debtors and third parties and Communications between or among third parties. For the avoidance of doubt, all Communications fall within the scope of the definition of “Document.”
6. “Concerning” means relating to, referring to, describing, evidencing, constituting, consisting of, supporting, prepared in connection with, used in preparation for, or being in any way legally, logically or factually connected with the matter discussed.

7. “Document” shall have the broadest meaning permitted by Rule 34 of the Federal Rules of Civil Procedure, applicable to this proceeding by Rule 7034 of the Federal Rules of Bankruptcy Procedure, including but not limited to: any written, graphic, recorded, or illustrative material of any kind or description, however produced or reproduced, and regardless of whether approved, signed, sent, received, or executed, prepared by or for you, in your possession, custody, and/or control. The term “document” includes, but is not limited to, correspondence, memoranda, drafts, computerized records, notes, jottings, books, records, reports, surveys, studies, analyses, films, videotapes, recordings, transcriptions of verbal conversations or statements however made, business forms, labels, papers and forms filed with courts, administrative tribunals and/or other government bodies, notices, messages, calendar and diary entries, appointment books, minutes and other formal or informal memoranda of meetings, and copies of documents that are not identical duplicates of the originals (*e.g.*, because handwritten or “blind” notes and/or other marginalia appear thereon or are attached thereto). The term “document” also includes all electronic and digital documents, including, but not limited to, share-drive documents, electronically stored information, electronic mail messages, text messages, chat messages, social media posts, and messages sent via mobile messaging applications (including, but not limited to, iMessage, WhatsApp, Slack, Signal, Zoom and Teams).

8. “ESI” means information created, manipulated, communicated, stored, or utilized in digital or electronic form. ESI includes, without limitation, data stored on or in computer servers, computer hard drives, computer desktops, laptops, handheld or tablet computers, portable digital media, backup media, CD-ROMs, DVD-ROMs, floppy disks, non-volatile memory including flash memory devices, external hard drives, personal digital assistants (such as Palm, iPhone, or Blackberry devices), cell phones, electronic voicemail systems, text messages, chat messages and



instant messages (including, but not limited to, iMessage, WhatsApp, Slack, Signal, Zoom and Teams), e-mails and attachments to e-mails, Internet websites, Internet bulletin boards, internal wikis, GitHub content, social networking posts, social networking applications, Salesforce messages, Redmine messages, or any device or medium capable of storing data in any format.

9. “Person” means any natural person or any entity other than a natural person, including, but not limited to, firms, sole proprietorships, partnerships, corporations, and associations, as well as all divisions, departments, or other units thereof, and means both the singular and plural.

10. “Petition Date” means June 27, 2023.

11. “Related Entity” means, with respect to any entity, its divisions, departments, subsidiaries, affiliates, predecessors in interest, successors in interest, and present or former officers, directors, partners, trustees, officials, patrons, advisors, principals, employees, agents, and all other persons acting or purporting to act on its behalf (including, but not limited to, its attorneys).

12. “Relating to,” “Related to” or “Concerning,” or any variant thereof, means, without limitation, referring to, concerning, pertaining to, discussing, mentioning, containing, reflecting, constituting, describing, displaying, showing, identifying, proving, disproving, consisting of, arising out of, supporting or contradicting.

13. “You,” “Your,” or any variant thereof, refers to Copart, Inc. and any Persons acting or purporting to act on its behalf.

### **INSTRUCTIONS**

In construing these Requests, the following instructions shall apply:

1. You must make a diligent search of any and all Documents that are (i) in Your possession, custody, or control, and (ii) furnish all Documents and/or information available to You or subject to Your reasonable inquiry.

2. Each Request shall be construed according to its own terms in accordance with these Definitions and Instructions. Although there may be some overlap, no Request should be understood to limit any other.

3. All terms defined herein shall have the meaning ascribed in the Definitions, regardless of whether such term is capitalized.

4. A Request for a Document shall be deemed a Request for any nonidentical copies or drafts of such Documents, as well as all transmittal sheets, cover letters, exhibits, enclosures, appendices, or attachments to the Document, in addition to the Document itself.

5. If any portion of any Document is responsive to any Request(s), the entire Document, including the attachments, disclosures, and/or exhibits must be produced.

6. No attached Documents should be separated from each other.

7. Reference to any corporation or other business organization includes all predecessor and/or successor corporations and/or organizations.

8. To the extent that You deem or consider any Request to be ambiguous, You must set forth the matter deemed ambiguous and the construction You adopted to respond to the Request.

9. The fact that a Document is possessed or produced by another party does not relieve You of Your obligation to produce a copy of the same Document, even if two Documents are identical in all respects.

10. The response to each of these Requests shall first set forth verbatim the Request to which it is responding.

11. Reference to any document, object, tangible thing, or group of persons (*e.g.*, committee, counsel or task force) includes all predecessor and successor documents, objects, tangible things or groups of persons which are substantially similar to the specific document, object, tangible thing or group of persons identified in any request for production of documents.

12. If it is not possible to produce any Document called for by the Request, or if You object to any individual Request in whole or in part, state specifically Your objection(s) or the reason(s) for failure to produce the Document.

13. If you object to any Request for Production, in whole or in part, state whether you have possession, custody, or control of any documents otherwise responsive to the Request for Production that you are withholding pursuant to your objection.

14. With respect to any information or facts that you withhold on the claim of attorney-client privilege, the doctrine of work product immunity, or any other statutory or common law privilege, provide a statement, signed by an attorney representing you, setting forth:

- a. the source of information or facts;
- b. the name of each person with knowledge of such information or facts;
- c. a brief description of the nature and subject matter of the information or facts;  
and
- d. the statute, rule, or decision which is claimed to give rise to the privilege or immunity.

15. With respect to any document that you withhold on a claim of attorney-client privilege, the doctrine of work product immunity, or any other statutory or common law privilege,

provide a statement, signed by an attorney representing you, setting forth as to each such document:

- a. the name(s) of the sender(s) of the document;
- b. the name(s) of the author(s) of the document;
- c. the name(s) of the person(s) to whom copies were sent;
- d. the job title of every person named in (a), (b) and (c) above;
- e. the date of the document;
- f. the date on which the document was received by each addressee, copyee, or its recipient;
- g. a brief description of the nature and subject matter of the document; and
- h. the statute, rule or decision which is claimed to give rise to the privilege or immunity.

All such documents shall be numbered, held separately, and retained intact pending a ruling by the Court on the validity of the claimed privilege.

16. If any information or documents (or portions thereof) otherwise responsive to these Requests was formerly in your possession, custody, or control but has since been lost or destroyed, provide a written statement that identifies: (a) the subject matter and content of the information or document; (b) all persons who ever possessed a copy of the information document; and (c) when and how the information or document was lost or destroyed, and, if destroyed, identify (i) each person having knowledge regarding such loss or destruction; (ii) the person(s) requesting and performing any destruction; (iii) the reason therefore; and (iv) each document evidencing the document's prior existence and/or facts concerning its construction.

17. Instructions for Hard Copy Document Production. Produce documents originating from hard copy sources and attachments (“Hard Copy Documents”) in Group IV single-page TIFF format (black and white, 300 dpi) with corresponding searchable OCR text, along with the below-listed metadata fields when available. Provide a standardized load file compatible with Relativity and with a Bates number field included in the load file to match text and metadata with TIFF images. Capture the physical document boundaries (document unitization) in the image and database load files. With respect to Hard Copy Documents, include the following in the data on the load file:

- a. Beginning Document Bates Number
- b. Ending Document Bates Number
- c. Beginning Family Bates Number (begins with 1st page of parent)
- d. Ending Family Bates Number
- e. Custodian or Source
- f. Page Count
- g. Date
- h. Document Title (if any)
- i. Text File Name with extension
- j. Text File Path, including filename and extension (must be a separate field from item j)

18. Instructions for Electronically Stored Information. Produce ESI in the following sequenced fashion: conduct a reasonable and good faith search for documents and ESI that are subject to production under the Rules.

- a. Produce documents originating as ESI as native files in a “Near Native<sup>1</sup>” production format. Preserve file names and other metadata in database load files. Rename each individual file using a unique item identifier (similar to a bates number but on a file-by-file basis versus a page-by-page basis). Provide a standardized load file compatible with Relativity and include the metadata identified below:

- i. Beginning Document Bates Number
- ii. Ending Document Bates Number
- iii. Beginning Family Bates Number (begins with 1<sup>st</sup> page of parent)
- iv. Ending Family Bates Number
- v. Custodian or Source
- vi. Duplicate Custodians
- vii. Confidentiality Designation
- viii. Page Count
- ix. Redaction (Y/N)
- x. Document Date (if available)
- xi. Date Modified
- xii. File Name (including extension)
- xiii. File Extension
- xiv. Document Type
- xv. Title (non-email)
- xvi. Author (non-email)
- xvii. From
- xviii. To
- xix. CC
- xx. BCC
- xxi. Subject
- xxii. Email Date Received (Local Time Zone)
- xxiii. Email Time Received (Local Time Zone)

---

<sup>1</sup> The term “Near Native Format” means the default format of a data file created by its associated software program with some formatting provided for “container files” such as zip or email. For example, Microsoft Excel® produces its output as “.xls” files by default, which is the native format of Excel. Microsoft Word® produces native files with a “.doc” extension, which is the native format of Word. Container files consist of one or more individual files that are organized and/or compressed into a single file, the most common of these are embedded files in Microsoft Word®, WinZip® files and Email files. The formatting that is applied to container files in a near native production opens the container so that each individual file that was originally in the container is produced as its own document. Attachments or embedded files are also extracted and produced outside of the container file.

- xxiv. Email Date Sent (Local Time Zone)
- xxv. Email Time Sent (Local Time Zone)
- xxvi. Text File Name with extension
- xxvii. Text File Path, including filename and extension (must be a separate field from item z.)
- xxviii. Native File Path, including file name and extension
- xxix. Timestamp (photos only)
- xxx. Geolocation information (photos only)
- xxxi. MD5 Hash Values (or alternatively agreed upon Hash Standard)

- b. Perform de-duplication of ESI within and across custodians (globally) according to MD5 or SHA-1 hash values, and produce only a single copy of identical ESI. Entire document families may constitute duplicate ESI. Do not break up document families through de-duplication.
- c. Preserve parent-child relationships (the association between an attachment and its parent document) where possible and provide a Beginning Family Bates Number and Ending Family Bates Number for each produced attachment in the data load file.

19. These Requests are continuing in nature and when new knowledge or information comes to Your attention, shall be supplemented forthwith.

20. Unless otherwise expressly specified below, these Requests apply to each Plaintiff individually, and responses must also be provided by each Plaintiff.

21. Unless otherwise expressly specified below, the relevant time period for these Requests is January 1, 2023, through the present.

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Documents or information sufficient to identify the individual or entity that listed for sale a 2023 Lordstown Endurance Truck assigned the Lot Number 54919454 in or around May 2023.

2. Documents or information sufficient to identify the individual or entity that offered to purchase a 2023 Lordstown Endurance Truck assigned the Lot Number 54919454 in or around May 2023.

3. Documents or information sufficient to identify the current owner of the 2023 Lordstown Endurance Truck assigned the Lot Number 54919454 in or around May 2023.