

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

In re

Nu Ride Inc., *et al.*,¹

Reorganized Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Re: Docket No. 1284

**MOTION FOR LEAVE TO EXCEED PAGE LIMIT OF
POST-EFFECTIVE DATE DEBTORS' REPLY IN SUPPORT OF SECOND OMNIBUS
(SUBSTANTIVE) OBJECTION SEEKING TO DISALLOW OR,
ALTERNATIVELY, TO RECLASSIFY CERTAIN INDEMNIFICATION
CLAIMS OF DIAMONDPEAK DIRECTORS AND OFFICERS**

Nu Ride Inc. and its affiliated reorganized debtors in the above-captioned proceeding (the “Post-Effective Date Debtors”), by their undersigned counsel, and out of an abundance of caution as set forth below, respectfully request, to the extent such relief is necessary, that the Court enter an order authorizing the Post-Effective Date Debtors to file their reply (the “Reply”), filed contemporaneously herewith, to the *Post-Effective Date Debtors’ Second Omnibus (Substantive) Objection Seeking to Disallow or, Alternatively, to Reclassify Certain Indemnification Claims of DiamondPeak Directors and Officers* [Docket No. 1211] (the “Second Omnibus Objection”), in excess of the fifteen (15) page limit set forth in Rule 7007-2(a)(iv) of the Local Rules of Bankruptcy Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”). In support of this motion, the Post-Effective Date Debtors respectfully represent as follows:

¹ 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: c/o William Gallagher, CEO, M3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.



BACKGROUND

1. On May 13, 2024, the Post-Effective Date Debtors filed its *Post-Effective Date Debtors' Second Omnibus (Substantive) Objection Seeking to Disallow or, Alternatively, to Reclassify Certain Indemnification Claims of DiamondPeak Directors and Officers* [Docket No. 1211] (the "Second Omnibus Objection")².

2. On June 10, 2024, counsel to David Hamamoto, Judith Hannaway, Steven Hash, Andrew Richardson, and Mark Walsh (collectively, the "Claimants") filed the *Claimants' Omnibus Response to Post-Effective Date Debtors' Second Omnibus (Substantive) Objection* [Docket No. 1259] (the "Response"), which was 33 pages, together with the related *Declaration of Shmuel Vasser in Support of Claimants' Response to Post-Effective Date Debtors' Second Omnibus Substantive Objection Seeking to Disallow or, Alternatively, to Reclassify Certain Indemnification Claims of DiamondPeak Directors and Officers* [Docket No. 1260], and had nearly 100 pages in attached exhibits (mainly consisting of Claimants' filed proofs of claim).

3. Pursuant to Local Rule 3007-1(h)(ii) and 9006-1(d), the Post-Effective Date Debtors' Reply to the Response is due July 8, 2024 at 4:00 p.m. (ET).

4. Local Rule 7007-2(a)(iv) provides in relevant part:

Without leave of Court, . . . no reply shall exceed fifteen (15) pages, in each instance, exclusive of any tables of contents and citations.

The Court's General Chambers Procedures provide that:

All briefs and memoranda (in main bankruptcy cases and in adversary proceedings) must comply with Del. Bankr. LR 7007-2, 3017-3 respectively (form and content of briefs).

5. Out of an abundance of caution the Post-Effective Date Debtors seek relief by

² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Second Omnibus Objection.

this motion, against the backdrop of the Local Rules and General Chambers Procedures noted above, because the pleading the Post-Effective Date Debtors have filed is styled as a “reply”.

6. The Post-Effective Date Debtors’ Reply is eighteen (18) pages long, more than the fifteen (15) page limit set forth in Local Rule 7007-2(a)(iv), to the extent such is applicable to the Post-Effective Date Debtors’ Reply. Under the circumstances of the contested matter relating to the Second Omnibus Objection and Claimants’ Response, the Post-Effective Date Debtors do not necessarily concede that the Post-Effective Date Debtors’ Reply is a “reply brief” as contemplated by Local Rule 7007-2(a)(iv). However, to the extent it is, the Post-Effective Date Debtors seek leave for the Post-Effective Date Debtors’ Reply to exceed fifteen (15) pages.

BASIS FOR RELIEF REQUESTED

7. The Post-Effective Date Debtors submit, given the length of Claimants’ Response, and the myriad of arguments and points they raise therein, inclusive of the argument and substantive material included in the exhibits, that the length of the Post-Effective Date Debtors’ Reply is reasonable and appropriate under the circumstances. Those circumstances also include that the Post-Effective Date Debtors have not had a chance prior to the Post-Effective Date Debtors’ Reply to brief the fact and legal issues raised with respect to the Second Omnibus Objection and the Response.

8. The Post-Effective Date Debtors’ Reply is as succinct as possible under the circumstances. The Post-Effective Date Debtors submit that it could not provide the Court with all the information, analysis and argument necessary for a complete response to Claimants’ Response and for a full and fair adjudication of the issues raised by Claimants’ Response to its Second Omnibus Objection in fifteen (15) pages.

9. The Post-Effective Date Debtors further submit that extension of the page limit for

the Post-Effective Date Debtors' Reply will not prejudice the Claimants in any way as they already have had a full and fair opportunity to initially brief their Response to the Post-Effective Date Debtors' Second Omnibus Objection.

CERTIFICATION OF COUNSEL

10. Undersigned counsel for the Post-Effective Date Debtors hereby certify that on July 8, 2024, she contacted counsel for the Claimants, by e-mail, to seek Claimants' consent to the relief sought by this motion. The Claimants have responded and do not oppose the relief sought by this motion.

WHEREFORE, the Post-Effective Date Debtors respectfully request entry of the order attached as **Exhibit A**, allowing the Post-Effective Date Debtors to exceed the page limitation for the Post-Effective Date Debtors' Reply.

Dated: July 8, 2024
Wilmington, Delaware

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Counsel to the Post-Effective Date Debtors

EXHIBIT A

Proposed Order

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

In re

Nu Ride Inc., *et al.*,¹

Reorganized Debtors.

Chapter 11

Case No. 23-10831 (MFW)
(Jointly Administered)

Re: Docket No. _____

**ORDER GRANTING MOTION FOR LEAVE TO EXCEED PAGE LIMIT OF
POST-EFFECTIVE DATE DEBTORS' REPLY IN SUPPORT OF
SECOND OMNIBUS (SUBSTANTIVE) OBJECTION SEEKING TO DISALLOW OR,
ALTERNATIVELY, TO RECLASSIFY CERTAIN INDEMNIFICATION CLAIMS OF
DIAMONDPEAK DIRECTORS AND OFFICERS**

Upon consideration of the motion (the "Motion") filed by Nu Ride Inc. and its affiliated reorganized debtors in the above-captioned proceeding (the "Post-Effective Date Debtors"), for leave to exceed the page limit of Rule 7007-2(a)(iv) of the Local Rules of Bankruptcy Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules") for the Post-Effective Date Debtors' reply ("Post-Effective Date Debtors' Reply") pursuant to Local Rule 7007-2(a)(iv), in connection with the *Post-Effective Date Debtors' Second Omnibus (Substantive) Objection Seeking to Disallow or, Alternatively, to Reclassify Certain Indemnification Claims of DiamondPeak Directors and Officers* [Docket No. 1211]; and no previous motion for such relief having been made; and upon consideration of the Motion and any response thereto; it is hereby

ORDERED that the Motion is GRANTED; and it is further

ORDERED leave is hereby granted for Post-Effective Date Debtors' Reply to exceed the fifteen (15) page limit set forth in Local Rule 7007-2(a)(iv); and it is further

¹ 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: c/o William Gallagher, CEO, M3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.

ORDERED that this Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.