

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)

Hearing Date: September 26, 2024 at 3:00 p.m. (ET)

Objection Deadline: September 12, 2024 at 4:00 p.m. (ET)

**POST-EFFECTIVE DATE DEBTORS' AND CLAIMS OMBUDSMAN'S
JOINT FIFTH (NON-SUBSTANTIVE) OMNIBUS OBJECTION TO CLAIMS
(Late Filed Claims)**

THIS OBJECTION SEEKS TO DISALLOW AND EXPUNGE CERTAIN CLAIMS. CLAIMANTS RECEIVING THIS OBJECTION SHOULD REVIEW THIS OBJECTION AND LOCATE THEIR NAMES AND CLAIMS ON SCHEDULE 1 ATTACHED TO THIS OBJECTION AND, IF APPLICABLE, FILE A RESPONSE BY THE RESPONSE DEADLINE FOLLOWING THE INSTRUCTIONS SET FORTH HEREIN. THE RELIEF SOUGHT HEREIN IS WITHOUT PREJUDICE TO THE POST-EFFECTIVE DATE DEBTORS' AND CLAIMS OMBUDSMAN'S RIGHTS TO PURSUE FURTHER SUBSTANTIVE OR NON-SUBSTANTIVE OBJECTIONS AGAINST CERTAIN CLAIMS LISTED ON SCHEDULES 1 ATTACHED TO THIS OBJECTION.

Nu Ride Inc. and its affiliated reorganized debtors in the above-captioned proceeding (the “Post-Effective Date Debtors”) and Alan Halperin, solely in his capacity as Claims Ombudsman (the “Claims Ombudsman” and together with the Post-Effective Date Debtors, the “Movants”),² by and through their respective counsel, hereby jointly submit this fifth omnibus (non-substantive) objection (the “Objection”), pursuant to §§ 105(a) and 502 of title 11 of the United States Code

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: Nu Ride Inc. c/o William Gallagher, CEO, M 3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.

² Capitalized terms used in this Objection but not otherwise defined herein shall have the same meaning as in the *Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors* (the “Plan”) [Dkt. No. 1066], unless the context otherwise requires.



(the “Bankruptcy Code”), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 3007-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), seeking an order substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”) disallowing and expunging in full the claims that were late filed that are identified on **Schedule 1** attached to the Proposed Order (the “Late Filed Claims”). In support of this Objection, the Movants submit the *Declaration of Alan D. Halperin Pursuant to 28 U.S.C. § 1746 and Local Rule 3007-1 in Support of the Post-Effective Date Debtors’ and Claims Ombudsman’s Joint Fifth (Non-Substantive) Omnibus Objection to Claims (Late Filed Claims)* (the “Halperin Declaration”) attached hereto as **Exhibit B**. In further support of this Objection, the Movants respectfully represent as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012 (Sleet, C.J.). This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
2. The predicates for the relief requested by this Objection are section 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007-1.
3. Pursuant to Local Rule 9013-1(f), the Movants consent to the entry of a final judgment or order with respect to this Objection if it is determined that this Court lacks Article III jurisdiction to enter such final order or judgment absent consent of the parties.

BACKGROUND

4. On June 27, 2023 (the “Petition Date”), Lordstown Motors Corp. and its affiliated debtors (the “Debtors”) filed voluntary petitions in the United States Bankruptcy Court for the District of Delaware (the “Court”) commencing these cases (the “Chapter 11 Cases”), which are being jointly administered for procedural purposes only pursuant to Bankruptcy Rule 1015(b).

CLAIMS PROCESS

5. On June 28, 2023, the Court entered an order authorizing the Debtors to retain and employ Kurtzman Carson Consultants LLC (now known as Verita Global) (“Verita”) as its claims and noticing agent [Dkt. No 54], and on July 25, 2023, the Court entered an order authorizing Verita to be the Debtors’ administrative advisor under 11 U.S.C. § 327(a) [Dkt. No. 174].

6. On August 1, 2023, the Debtors filed their schedules of assets and liabilities and statements of financial affairs [Dkt. No. 210-17], which were subsequently amended [Dkt. No. 377-385] on September 7, 2023 and may be further amended from time to time (collectively, as amended, supplemented, or further amended, the “Schedules”).

7. On August 24, 2023, the Court entered the *Order (A) Establishing Bar Dates and Related Procedures for Filing Proofs of Claim, Including Claims Arising Under Section 503(b)(9) of the Bankruptcy Code, (B) Approving the Form, Manner, and Procedures of Notice Thereof, and (C) Granting Related Relief* [Dkt. No. 319] (the “Bar Date Order”).

8. The Bar Date Order established, among other things: (a) October 10, 2023 at 5:00 p.m. (prevailing Eastern Time) as the deadline to file proofs of claim in the Chapter 11 Cases for persons or entities (except governmental units (as such term is defined in section 101(27) of the Bankruptcy Code)) (the “General Bar Date”); (b) December 26, 2023 at 5:00 p.m. (prevailing Eastern Time) as the deadline for governmental units to file proofs of claim in the Chapter 11 Cases (the “Governmental Bar Date”); (c) the Rejection Bar Date (as defined in the Bar Date

Order) as the later of: (a) the General Bar Date or the Governmental Bar Date (if a governmental unit is the counterparty to the applicable executory contract or unexpired lease) and (b) 5:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days after the service of an order of the Court authorizing the Debtors' rejection of the applicable executory contract or unexpired lease; and (d) the Amended Schedule Bar Date (as defined in the Bar Date Order) as the later of (a) the General Bar Date or the Governmental Bar Date (if the applicable amendment relates to a claim of a Governmental Unit) and (b) 5:00 p.m. (prevailing Eastern Time) on the date that is 30 days after the claimant is served with notice of the applicable amendment or supplement to the Debtors' schedules.

9. On August 28, 2023, the Debtors filed the *Notice of Deadlines for Filing Proofs of Claim, Including Claims Arising Under Section 503(b)(9) of the Bankruptcy Code Against Debtors* [Dkt. No. 335] (the "Bar Date Notice").

10. In accordance with the Bar Date Order, on August 31, 2023, Verita served the Bar Date Notice and proof of claim forms, via email and/or first-class mail to all creditors and any other known holders of potential claims in these Chapter 11 Cases and their counsel (if known). Verita also served the Bar Date Notice to all known registered holders of Lordstown Motors Corp. common stock and preferred stock, and any holders for whose benefit such registered holder holds down the chain of ownership for all such holders of common or preferred stock. Further, the Bar Date Notice was published in the *The Wall Street Journal* and *Automotive News* on August 31, 2023 and September 11, 2023, respectively [Dkt. No. 591] (the "Publication Notice").

11. On March 6, 2024, the Court entered the *Order (I) Confirming Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors and (II) Granting Related Relief* (the "Confirmation Order") [Dkt. No. 1069], confirming the Debtors'

Plan. As set forth in the *Notice of Effective Date and Entry of Order (I) Confirming the Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors and (II) Granting Related Relief* (the “Notice of Effective Date”) [Dkt. No. 1096], the Plan became effective on March 14, 2024 (the “Effective Date”).

12. The Plan established April 14, 2024 as the deadline by which requests for payment of Allowed Administrative Claims (except with respect to Administrative Claims that are Professional Fee Claims) must be filed (the “Administrative Claims Bar Date” and together with the General Bar Date, the Governmental Bar Date, the Rejection Bar Date, and the Amended Schedule Bar Date, the “Bar Dates”).

13. Pursuant to the Plan, the Debtors’ Chapter 11 Cases were substantively consolidated for the limited purpose of making Distributions. *Plan*, Art. V.A. As such, Claims asserted against multiple Debtors, including Claims based on joint and several liability and guarantee and/or surety Claims are deemed to constitute a single Claim against the consolidated Estate. *Id.*

14. Pursuant to the Confirmation Order and Plan, on the Effective Date, Alan D. Halperin was appointed Claims Ombudsman in these Chapter 11 Cases. *See* Confirmation Order, ¶ 68; Plan, Article V.D.1. As Ombudsman, Alan D. Halperin has the right, authority, and responsibility to object to, seek to subordinate, compromise or settle any and all General Unsecured Claims, including by filing and prosecuting objections to General Unsecured Claims, subject to the limitations set forth in the Plan. Confirmation Order, ¶ 69, Plan, Article V.D.2. Additionally, the Ombudsman has the right to assert any and all rights and defenses that the applicable Debtor had with respect to any General Unsecured Claim immediately before the Effective Date. *Id.* All rights not expressly delegated to the Claims Ombudsman under the Plan

are expressly reserved to the Post-Effective Date Debtors. *Id.* The Post-Effective Date Debtors have asked the Claims Ombudsman to review and reconcile certain secured, administrative and priority claims that are the subject of this Objection.

15. The claims register for these Chapter 11 Cases (the “Claims Register”), prepared and maintained by Verita, shows that over 1,645 proofs of claim have been filed against the Debtors as of the filing of this Objection.

16. In the ordinary course of business, the Debtors maintained books and records (the “Books and Records”) that generally reflect, among other things, the nature and amount of the liabilities owed to their creditors. The Movants, with the assistance of their advisors, have actively begun reviewing and reconciling proofs of claim with the Debtors’ Schedules and Books and Records, which process includes identifying certain categories of claims that may be subject to objection, disallowance, and expungement. While this analysis and reconciliation is ongoing, the Movants have determined that the Late Filed Claims should be disallowed for one or more reasons.³ Accordingly, the Movants file this Objection seeking the relief requested below.

CLAIM OBJECTION RELIEF REQUESTED

17. By this Objection, and for the reasons set forth more fully below, the Movants object to the Late Filed Claims pursuant to §§ 105(a) and 502 of the Bankruptcy Code, Bankruptcy Rules 3007 and 9014, and Local Rule 3007-1.

18. When asserting a proof of claim against a bankruptcy estate, a claimant must allege facts that, if true, would support a finding that the debtor is legally liable to the claimant. *In re Allegheny Int’l, Inc.*, 954 F.2d 167, 173 (3d Cir. 1992); *Matter of Int’l Match Corp.*, 69 F.2d 73,

³ The Movants are still reviewing certain other Claims filed after the applicable Bar Date and reserve the right to object to any such Claims on the basis of lateness or any other pertinent grounds.

76 (2d Cir. 1934) (finding that a proof of claim should at least allege facts from which legal liability can be seen to exist). Where a claimant alleges sufficient facts to support its claim, its claim is afforded *prima facie* validity. *In re Allegheny Int'l, Inc.*, 954 F.2d at 173. A party wishing to dispute such a claim must produce evidence in sufficient force to negate the claim's *prima facie* validity. *Id.* In practice, the objecting party must produce evidence that would refute at least one of the allegations essential to the claim's legal sufficiency. *Id.* Once the objecting party produces such evidence, the burden shifts back to the claimant to prove the validity of his or her claim by a preponderance of the evidence. *Id.* The burden of persuasion is always on the claimant. *Id.*

19. The Late Filed Claims set forth on **Schedule 1** of the Proposed Order should be disallowed and expunged because each Claimant was provided sufficient notice of the applicable Bar Dates, but filed its Claim untimely.

20. Bankruptcy Rule 3003(c)(3) authorizes courts to set bar dates by which proofs of claim or interest must be filed. This rule contributes to one of the main purposes of bankruptcy law, which is securing—within a limited time—the prompt and effectual administration and settlement of a debtor's estate. *In re New Century TRS Holdings, Inc.*, 465 B.R. 38, 46 (Bankr. D. Del. 2012) (citing *In re Smidth & Co.*, 413 B.R. 161, 165 (Bankr. D. Del. 2009)). While setting an outside limit for the time to assert a right triggers due process concerns of which every court must be cognizant, this concern is resolved through notice. *Id.* Here, ample notice was provided to Holders of Late Filed Claims through service of the Bar Date Notice, Publication Notice, and Verita's service of the Bar Date Notice on all known holders of Lordstown Motors Corp. common stock and preferred stock, as well as any holders for whose benefit such registered holders holds down the chain of ownership. Accordingly, due process is satisfied.

21. For creditors who receive proper notice, the bar date is a “drop-dead date” that prevents a creditor from asserting prepetition claims unless he can demonstrate excusable neglect. *In re TransWorld Airlines, Inc.*, 96 F.3d 687, 690 (3d Cir. 1996). Here, none of the claimants requested an enlargement of the time to file their proofs of claim prior to the applicable Bar Dates; nor did any of the claimants file a motion requesting leave to file their Claims after the expiration of the applicable Bar Dates. Allowing the Late Filed Claims would hinder the bankruptcy process because parties that filed late claims will receive a recovery (to which they are not entitled), to the detriment of other creditors. *See e.g., Bank of Am. Nat’l Trust & Sav. Ass’n v. 203 N. LaSalle St. P’ship*, 526 U.S. 434, 453 (1999) (bar dates play an essential role in the important goal of maximizing property available to satisfy creditors).

22. The Movants respectfully submit that any party who did not file its Claims in a timely manner should not be entitled to receive a recovery in connection therewith. Therefore, the Movants respectfully request that the Court enter an order disallowing and expunging the Late Filed Claims identified in **Schedule 1**.

RESPONSES TO OBJECTION

23. Filing and Service of Responses. To contest this Objection, a holder of a Late Filed Claim must file and serve a written response to this Objection (a “Response”) so that it is actually received by the Clerk of th Court and the parties in the following paragraph no later than 4:00 p.m. (ET) on September 12, 2024 (the “Response Deadline”). Claimants should read the Proposed Order and Exhibits attached carefully.

24. Each Response must be filed and served upon the following entities at the following addresses: (i) counsel for the Post-Effective Date Debtors: (a) Brown Rudnick LLP, One Financial Center, Boston, MA 02111 (Attn: Sharon I. Dwoskin (sdwoskin@brownrudnick.com)); and (b)

Morris James LLP, 500 Delaware Avenue, Suite 1500, Wilmington, DE 19801 (Attn: Eric J. Monzo (emonzo@morrisjames.com) and Brya M. Keilson (bkeilson@morrisjames.com); and (ii) counsel for the Claims Ombudsman: (a) Halperin Battaglia & Benzija LLP, 40 Wall Street, New York, NY 10005 (Attn: Walter Benzija (wbenzija@halperinlaw.net) and Keara Waldron (kwaldron@halperinlaw.net)), and (iv) (b) Bielli Klauder, LLC, 1204 N. King Street, Wilmington, DE 19801 (Attn: David M. Klauder (dklauder@bk-legal.com)).

25. Content of Responses. Every Response to this Objection must contain, at a minimum, the following:

- (a) a caption setting forth the name of the Court, the name of the Debtor, the case number and the title of this Objection to which the Response is directed;
- (b) the name of the claimant and description of the basis for the amount of the Late Filed Claim;
- (c) a concise statement setting forth the reasons why the relief in this Objection should not be granted, including, but not limited to, the specific factual and legal bases upon which the claimant relies in opposing this Objection;
- (d) all documentation or other evidence supporting the Late Filed Claim not previously filed with the Bankruptcy Court or the Agent, upon which the claimant relies in opposing this Objection; and
- (e) the name, address, telephone number, email and fax number of the person(s) (which may be the claimant or a legal representative thereof) to whom counsel for the Movants should serve a reply, if any, to the Response and who possesses authority to reconcile, settle or otherwise resolve the objection to the Claim on behalf of the claimant.

26. A Response must address each ground upon which the Debtors object to a particular Late Filed Claim.

27. Timely Response Required; Hearings; Replies. If a Response is properly and timely filed and served in accordance with the above procedures, the Movants will endeavor to reach a consensual resolution with the claimant. If no consensual resolution is reached, the Court will conduct a hearing with respect to the Objection and the Response on September 26, 2024 at 3:00

p.m. (E.T.) or such other date and time as parties filing Responses may be notified. Only those Responses made in writing and timely filed and received will be considered by the Court at any such hearing.

28. If a claimant fails to file and serve a timely Response, then without further notice to the claimant or a hearing, the Movants will present to the Court an appropriate order, substantially in the form of the Proposed Order attached as **Exhibit A** hereto, to grant the relief requested herein.

29. **Adjournment of Hearing**. The Movants reserve the right to seek an adjournment of the hearing on any Response to this Objection, which adjournment will be noted on the notice of agenda for the hearing. The agenda will be served on the person designated by the claimant in its Response.

30. **Separate Contested Matter**. The objection by the Movants to each claim shall constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. Any order entered by the Court regarding an objection asserted in this Objection shall be deemed a separate order with respect to each claim subject thereto.

RESERVATION OF RIGHTS

31. The Movants expressly reserve the right to amend, modify, or supplement this Objection, and to file additional objections to the Late Filed Claims or any other claims (filed or not) that may be asserted against the Debtors and their estates.

32. Notwithstanding anything contained in the Objection, or the exhibits and schedules attached hereto, nothing herein will be construed as a waiver of any rights that the Movants or any successor thereof may have to enforce rights of setoff against the claimants.

33. Nothing in this Objection shall be deemed: (a) an admission as to the amount of, basis for, or validity of any Claim against the Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Movants' or any other party in interest's right to dispute any Claim; (c) a promise or requirement to pay any particular Claim; (d) an implication or admission that any particular Claim is of a type specified or defined in this Objection; (e) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates; or (f) a waiver of any claims or causes of action which may exist against any entity under the Bankruptcy Code or any other applicable law.

STATEMENT OF COMPLIANCE WITH LOCAL RULE 3007-1

34. To the extent that a response is filed regarding any Late Filed Claim listed in this Objection and the Movants are unable to resolve the response, each such Late Filed Claim, and the objection by the Movants to each such Late Filed Claim asserted herein, shall constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. Any order entered by the Court regarding an objection asserted in the Objection shall be deemed a separate order with respect to each Late Filed Claim.

NOTICE

35. A copy of this Objection and all related exhibits will be served on (i) the Office of the United States Trustee for the District of Delaware; (ii) each Holder of a Late Filed Claim; and (iii) other parties entitled to notice under the Plan and Bankruptcy Rule 2002. The Movants respectfully submit that no further notice of this Objection is required.

36. Pursuant to Bankruptcy Rule 3007, the Movants have provided all claimants affected by this Objection with at least thirty (30) days' notice of the hearing to consider this Objection.

NO PRIOR REQUEST

37. No previous request for the relief sought herein has been made to this or any other Court.

CONCLUSION

WHEREFORE the Movants respectfully request entry of an order substantially in the form of the Proposed Order attached hereto as **Exhibit A** granting the relief requested herein and such other and further relief as the Court may deem just and appropriate.

Dated: August 27, 2024

/s/ David M. Klauder

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EXHIBIT A

**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)

**ORDER GRANTING POST-EFFECTIVE DATE DEBTORS' AND
CLAIMS OMBUDSMAN'S JOINT FIFTH (NON-SUBSTANTIVE)
OMNIBUS OBJECTION TO CLAIMS
(Late Filed Claims)**

Upon the *Post-Effective Date Debtors' and Claims Ombudsman's Joint Fifth (Non-Substantive) Omnibus Objection to Claims (Late Filed Claims)* (the "Objection")², filed by Nu Ride Inc. and its affiliated reorganized debtors (the "Post-Effective Date Debtors") and Alan Halperin, solely in his capacity as Claims Ombudsman in the above-captioned cases (the "Claims Ombudsman") and together with the Post-Effective Date Debtors, the "Movants") for entry of an order disallowing and expunging in their entirety the claims set forth on **Schedule 1** hereto (each a "Late Filed Claim" and collectively, the "Late Filed Claims"), all as more fully set forth in the Objection; and upon the *Declaration of Alan D. Halperin Pursuant to 28 U.S.C. § 1746 and Local Rule 3007-1 in Support of the Post-Effective Date Debtors' and Claims Ombudsman's Joint Fifth (Non-Substantive) Omnibus Objection to Claims (Late Filed Claims)* (the "Halperin Declaration") filed contemporaneously with the Objection and in support thereof; and this Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157

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: Nu Ride Inc. c/o William Gallagher, CEO, M 3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Objection.

and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated as of February 29, 2012; and consideration of the Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Objection having been provided, and no other or further notice being required; and the Court having considered all responses to the Objection, if any, and all such responses having been either overruled or withdrawn; and upon all proceedings had before the Court; and the Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and

This Court having **FOUND AND DETERMINED THAT:**

A. Each holder of a Late Filed Claim listed on **Schedule 1** attached hereto was properly and timely served with a copy of the Objection and all of its accompanying exhibits and notice of a hearing on the Objection and response deadline,

B. Any entity known to have an interest in the Late Filed Claims subject to the Objection has been afforded reasonable opportunity to respond to, or be heard regarding, the relief requested in the Objection, and

C. The relief requested in the Objection is in the best interests of the Debtors, their estates, their creditors, and other parties in interest;

D. And after due deliberation and sufficient cause appearing therefor,

IT IS THEREFORE ORDERED THAT:

1. The Objection is **GRANTED**.
2. Any Response to the Objection not otherwise withdrawn, resolved, or adjourned is overruled on the merits.

3. The Late Filed Claims listed on **Schedule 1** attached hereto are hereby disallowed and expunged in their entirety.

4. The objection by the Movants to each of the Late Filed Claims, as addressed in the Objection, and the schedules hereto, constitutes a separate contested matter with respect to each such claim, as contemplated by Bankruptcy Rule 9014 and Local Rule 3007-1. This Order shall be deemed a separate Order with respect to each Late Filed Claim.

5. Any stay of this Order pending appeal by any holder of a Late Filed Claim or any other party with an interest in such claims that are subject to this Order shall only apply to the contested matter which involves such party and shall not act to stay the applicability and/or finality of this Order with respect to other contested matters arising from the Objection or this Order.

6. Nothing in the Objection or this Order shall be construed as an allowance of any Claim.

7. Movants' rights to amend, modify, or supplement the Objection, to file additional objections to the Late Filed Claims or any other claims (filed or not) which have or may be asserted against the Debtors or their estates, and to seek further reduction of any Claim, are preserved. Additionally, should one or more of the grounds of objection stated in the Objection be dismissed, the Ombudsman's right to object on other stated grounds or any other grounds that the Ombudsman discovers during the pendency of these Chapter 11 Cases are further preserved.

8. Nothing in this Order or the Objection is intended or shall be construed as a waiver of any of the rights the Movants may have to enforce rights of setoff against the claimants.

9. The Movants, Verita, and the Clerk of this Court are authorized and directed to expunge the Late Filed Claims on the official claims registry pursuant to this Order and to make other changes to the official claims registry as necessary to reflect the terms of this Order.

10. Nothing in the Objection or this Order, nor any actions or payments made by the Post-Effective Date Debtors pursuant to this Order, shall be construed as: (a) an admission as to the amount of, basis for, or validity of any Claim against the Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Movants' or any other party in interest's right to dispute any Claim; (c) a promise or requirement to pay any particular Claim; (d) an implication or admission that any particular Claim is of a type specified or defined in this Order; (e) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates; or (f) a waiver of any claims or causes of action which may exist against any entity under the Bankruptcy Code or any other applicable law.

11. This Order is immediately effective and enforceable.

12. This Court shall retain jurisdiction to hear and determine all matters arising from the interpretation and/or implementation of this Order.

Dated: _____, 2024
Wilmington, Delaware

The Honorable Mary F. Walrath
United States Bankruptcy Judge

#	Name of Claimant	Date Claim Filed	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
1	Ahmed, Shereef	12/03/2023	1597	\$0.00 \$0.00 \$0.00 BLANK	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
2	Baliva, Richard C.	12/27/2023	1609	\$0.00 \$0.00 \$0.00 \$715.93	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
3	Baxter, Camilla	12/15/2023	1606	\$0.00 \$0.00 \$4,797.00 \$0.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
4	Bishop, Russell L	11/16/2023	1585	\$0.00 \$0.00 \$0.00 BLANK	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
5	Briones, Jesus A	10/26/2023	1554	\$0.00 \$0.00 \$0.00 \$1,462.50	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
6	Butchko, Brian	02/07/2024	1617	\$0.00 \$0.00 \$0.00 \$58,666.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
7	Camp, Joseph A.	10/30/2023	1559	\$0.00 \$0.00 \$0.00 \$5,000.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
8	Carleton, Michael D.	11/24/2023	1594	\$1,500.00 \$0.00 \$0.00 \$0.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
9	Cheil Electronics Co., Ltd.	10/25/2023	1553	\$0.00 \$0.00 \$0.00 \$141,430.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date

#	Name of Claimant	Date Claim Filed	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
10	Cheung, Wai Ying	04/19/2024	1642	\$0.00 \$0.00 \$0.00 \$1,630.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
11	Daniels, Calyssa	11/07/2023	1574	\$203.56 \$0.00 \$0.00 \$0.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
12	Daniels, Cayla	11/07/2023	1573	\$203.54 \$0.00 \$0.00 \$0.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
13	Electronic Controls Company	11/14/2023	1580	\$0.00 \$0.00 \$0.00 \$4,243.86	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
14	Ganciulescu, Tiberius Daniel	11/04/2023	1568	\$0.00 \$0.00 \$0.00 \$3,000.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
15	Hett, Steve	04/03/2024	1629	\$0.00 \$0.00 \$0.00 \$2,911.98	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
16	HRB Industries Corp.	11/15/2023	1581	\$0.00 \$0.00 \$0.00 \$138,873.03	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
17	Kata, William T.	11/06/2023	1569	\$0.00 \$0.00 \$0.00 \$100.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
18	Lacy, Ayeshah	04/26/2024	1645	\$0.00 \$0.00 \$0.00 \$172.94.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date

#	Name of Claimant	Date Claim Filed	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
19	Langford, Luke	11/18/2023	1587	\$0.00 \$0.00 \$0.00 \$2,430.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
20	Lee, Lucia	11/06/2023	1570	\$0.00 \$0.00 \$0.00 \$1,000.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
21	Levy, Adam	11/20/2023	1589	\$0.00 \$0.00 \$0.00 \$5,500.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
22	Lin, Shun-Tsun	04/14/2024	1636	\$0.00 \$0.00 \$0.00 \$22,587.60	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
23	Lucero, Daniel P.	11/01/2023	1564	\$0.00 \$0.00 \$0.00 \$4,059.40	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
24	Makkar, Neelam	11/06/2023	1572	\$0.00 \$0.00 \$0.00 \$206.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
25	Makkar, Tejinder Singh	11/06/2023	1571	\$0.00 \$0.00 \$0.00 \$232.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
26	McClelland, Kevin	04/10/2024	1632	\$0.00 \$0.00 \$0.00 \$8,283.33	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
27	Melcher, Eleana	02/15/2024	1618	\$0.00 \$0.00 \$0.00 \$100.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date

#	Name of Claimant	Date Claim Filed	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
28	Mercedes, Ysabel E.	04/08/2024	1631	\$0.00 \$0.00 \$0.00 \$12,370.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
29	Moore, Timothy	10/30/2023	1558	\$0.00 \$0.00 \$0.00 \$2,140.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
30	MotoKarMax LLC	12/12/2023	1604	\$0.00 \$0.00 \$0.00 \$4,712.53	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
31	Nessle, Philip A	12/08/2023	1601	\$0.00 \$0.00 \$0.00 UNLIQUIDATED	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
32	Newmark, Bruce	10/30/2023	1561	\$0.00 \$0.00 \$0.00 \$382.20	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
33	Nguyen, Hoa Binh	10/27/2023	1556	\$0.00 \$0.00 \$0.00 \$4,800.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
34	Nikoo, Majid	04/22/2024	1643	\$0.00 \$0.00 \$0.00 \$773.98	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
35	Okoh, Ifechukwude	11/16/2023	1584	\$0.00 \$0.00 \$0.00 BLANK	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
36	Omorogbe, Nosakhare	03/08/2024	1625	\$0.00 \$0.00 \$0.00 \$500.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date

#	Name of Claimant	Date Claim Filed	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
37	Patel, Hiral	11/07/2023	1575	\$0.00 \$0.00 \$0.00 \$101.85	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
38	Pellerin, Kevin	11/02/2023	1565	\$0.00 \$0.00 \$0.00 BLANK	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
39	Primavera, Gary E.	11/16/2023	1583	\$0.00 \$0.00 \$0.00 \$6,314.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
40	Ramanathan, Sambandam	10/27/2023	1557	\$0.00 \$0.00 \$1,747.26 \$2.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
41	Ramanathan, Sambandam	03/25/2024	1627	\$0.00 \$0.00 \$0.00 \$5,995.69	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
42	Rambaran, Geeta	04/15/2024	1639	\$2,727.40 \$0.00 \$0.00 \$0.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
43	Ramirez, Juan C.	04/15/2024	1638	\$0.00 \$0.00 \$0.00 \$994.47	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
44	Ranes, Andrew	03/29/2024	1628	\$0.00 \$0.00 \$0.00 \$100.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
45	Rassini Suspensiones, S.A. DE C.V.	11/22/2023	1592	\$0.00 \$0.00 \$0.00 \$128,803.40	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date

#	Name of Claimant	Date Claim Filed	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
46	Rassini Suspensiones, S.A. DE C.V.	12/06/2023	1599	\$0.00 \$0.00 \$0.00 \$128,803.40	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
47	Rodriguez, Julio	12/29/2023	1611	\$0.00 \$0.00 \$0.00 UNLIQUIDATED	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
48	Romeo, John	12/01/2023	1596	\$0.00 \$0.00 \$0.00 \$535.80	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
49	Sancrainte, Robert Matthew	11/10/2023	1577	\$0.00 \$0.00 \$0.00 \$2,068.97	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
50	Scott, Cheryl	11/23/2023	1593	\$0.00 \$0.00 \$0.00 \$702.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
51	Sethi, Akhil	04/06/2024	1630	\$0.00 \$0.00 \$0.00 \$20,037.50	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
52	Shabestari, Arash	12/23/2023	1608	\$0.00 \$0.00 \$0.00 BLANK	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
53	Shannon, Nancy	01/10/2024	1613	\$0.00 \$0.00 \$12,000.00 \$0.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
54	Sims, Scott	11/15/2023	1582	\$0.00 \$0.00 \$0.00 \$27,664.99	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date

#	Name of Claimant	Date Claim Filed	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
55	Stein, Michael	11/02/2023	1566	\$0.00 \$0.00 \$0.00 \$100.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
56	St-Germain, Eugene	10/25/2023	1547	\$0.00 \$0.00 \$0.00 \$1,341.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
57	Stifel Nicolaus Custodian for Calvin K Hoyle IRA	10/25/2023	1548	\$0.00 \$0.00 \$0.00 \$2,630.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
58	Tenbrink, Bradlee	11/03/2023	1567	\$440.37 \$0.00 \$0.00 \$0.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
59	Thompson IV, Harry U.	11/09/2023	1576	\$0.00 \$0.00 \$0.00 \$20,320.05	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
60	Wilson, Ross A	04/10/2024	1633	\$0.00 \$0.00 \$0.00 \$1,305.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
61	Wlodek, Michael	11/16/2023	1586	\$0.00 \$0.00 \$0.00 \$18,402.53	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
62	Womack, Bonita	11/09/2023	1578	\$0.00 \$0.00 \$0.00 \$500.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
63	Yang, Mej-Tzu	11/14/2023	1579	\$0.00 \$0.00 \$0.00 \$15,000.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date

#	Name of Claimant	Date Claim Filed	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
64	Yanowsky, Gary	01/02/2024	1610	\$0.00 \$0.00 \$0.00 \$1,703.10	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date

EXHIBIT B

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

In re:

NU RIDE INC., *et al.*,¹

Reorganized Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

**DECLARATION OF ALAN D. HALPERIN PURSUANT TO
28 U.S.C. § 1746 AND LOCAL RULE 3007-1 IN SUPPORT OF THE
POST-EFFECTIVE DATE DEBTORS' AND CLAIMS OMBUDSMAN'S
JOINT FIFTH (NON-SUBSTANTIVE) OMNIBUS OBJECTION TO CLAIMS
(Late Filed Claims)**

Alan D. Halperin, under penalty of perjury, hereby declares as follows:

1. I am the Claims Ombudsman (the "Ombudsman") for the above-captioned debtors (collectively, the "Debtors") and I submit this declaration in support of the *Post-Effective Date Debtors' and Claims Ombudsman's Joint Fifth (Non-Substantive) Omnibus Objection to Claims (Late Filed Claims)* (the "Objection"), pursuant to which I, together with the Post-Effective Date Debtors, am requesting that this Court enter an order disallowing and expunging certain claims filed in the Cases². Unless otherwise stated in this declaration, I have personal knowledge of the facts set forth herein.

2. Except as otherwise indicated, all facts set forth in this declaration are based upon my personal knowledge, my review (or the review of counsel, consultants and other professionals under my supervision) of business records kept by the Debtors in the ordinary course of business,

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: Nu Ride Inc. c/o William Gallagher, CEO, M 3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Objection.

the relevant proofs of claim, and/or the Claims Register maintained by Verita, the claims and noticing agent in the Cases. The grounds for the Objection are based on the review conducted.

3. I have personally reviewed the Objection and to the best of my knowledge and belief, the information contained on **Schedule 1** to the Proposed Order attached as **Exhibit A** to the Objection is true and correct.

4. I and/or my counsel, consultants and other professionals reviewed all of the Claims identified on **Schedule 1** to **Exhibit A** (the "Late Filed Claims") and the supporting documentation, if any, filed therewith, and determined that each of these claims was filed after the respective Bar Dates (as defined in the Objection). Therefore, the Late Filed Claims should be disallowed and expunged in their entirety.

5. Based on the foregoing, and to the best of my knowledge, information and belief, the information contained in the Objection and exhibits thereto is true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on: August 27, 2024

/s/ Alan D. Halperin, as Claims Ombudsman
Alan D. Halperin

**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)

Hearing Date: September 26, 2024 at 3:00 p.m. (ET)

Objection Deadline: September 12, 2024 at 4:00 p.m. (ET)

**NOTICE OF POST-EFFECTIVE DATE DEBTORS' AND CLAIMS OMBUDSMAN'S
JOINT FIFTH (NON-SUBSTANTIVE) OMNIBUS OBJECTION TO CLAIMS**

Nu Ride Inc. and its affiliated reorganized debtors in the above-captioned proceeding (the “Post-Effective Date Debtors”) and Alan Halperin, solely in his capacity as Claims Ombudsman (the “Claims Ombudsman” and together with the Post-Effective Date Debtors, the “Movants”), by and through their respective counsel, filed the fifth omnibus (non-substantive) omnibus objection to claims (the “Objection”), which seeks to alter your rights by disallowing or modifying your claim for the reasons stated in the attached Objection. In the Objection, the Movants object to certain proofs of claim filed in the above-referenced case. If you disagree with the proposed treatment of your proof of claim, you must timely file a response to the Objection.

PLEASE TAKE FURTHER NOTICE that responses to the Objection must contain the following:

- (a) a concise statement setting forth the reasons why such claim should not be modified for the reasons set forth in the Objection, including (but not limited to) the specific factual and legal bases upon which the claimant will rely in opposing the Objection;

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: Nu Ride Inc. c/o William Gallagher, CEO, M 3 Partners, 1700 Broadway, 19th Floor, New York, NY 10019.

- (b) all documentation or other evidence of the claim, to the extent not included with the proof of claim previously filed with the Bankruptcy Court, upon which the claimant will rely in opposing the Objection at the hearing;
- (c) the addresses to which Movants must return any reply to the Objection; and
- (d) the name, address and telephone number of the person (which may be the claimant or his/her its legal representative) possessing ultimate authority to reconcile, settle, or otherwise resolve the claim on behalf of the claimant.

PLEASE TAKE FURTHER NOTICE that if you fail to timely file and serve a response in accordance with the above requirements, you will be deemed to have concurred with, and consented to, the Objection and the relief requested therein, and Movants will present to the Court (without further notice to you), an appropriate order sustaining the Objection.

You are required to file a response to the Objection, if any, on or before **September 12, 2024, at 4:00 p.m. (ET)**.

At the same time, you must also serve a copy of the response upon:

David M. Klauder
BIELLI & KLAUDER, LLC
1204 N. King Street
Wilmington, DE 19801
dklauder@bk-legal.com

A HEARING ON THE OBJECTION WILL BE HELD BEFORE THE HONORABLE MARY F. WALRATH, UNITED STATES BANKRUPTCY COURT, 824 NORTH MARKET STREET, 5TH FLOOR, COURTROOM #4, WILMINGTON, DELAWARE 19801 AT **3:00 P.M. (ET) ON SEPTEMBER 26, 2024.**

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF DEMANDED BY THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING

Dated: August 27, 2024

BIELLI & KLAUDER LLC

/s/ David M. Klauder

David M. Klauder (No. 5769)
1204 N. King Street
Wilmington, DE 19801
Telephone: (302) 803-4600
E-mail: dklauder@bk-legal.com

Counsel for the Claims Ombudsman