

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: November 26, 2024 at 11:30 a.m. (ET)

Objection Deadline: November 19, 2024 at 4:00 p.m. (ET)

**POST-EFFECTIVE DATE DEBTORS' AND CLAIMS OMBUDSMAN'S
JOINT SEVENTH (NON-SUBSTANTIVE) OMNIBUS OBJECTION TO CLAIMS
(Insufficient Documentation Claims, Late Filed Claims, Withdrawn Claims)**

THIS OBJECTION SEEKS TO DISALLOW CERTAIN CLAIMS. CLAIMANTS RECEIVING THIS OBJECTION SHOULD REVIEW THIS OBJECTION AND LOCATE THEIR NAMES AND CLAIMS ON SCHEDULES 1-3 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 1-3 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 joint seventh omnibus (non-substantive) objection (the “Objection”), pursuant to §§ 105(a) and 502 of title 11 of the United

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.



States Code (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”): (1) disallowing and expunging in full the claims with insufficient supporting documentation that are identified on **Schedule 1** attached to the Proposed Order (the “Insufficient Documentation Claims”); (2) disallowing and expunging in full the claims that were late filed that are identified on **Schedule 2** attached to the Proposed Order (the “Late Filed Clams”); and (3) disallowing and expunging in full the claims that were withdrawn that are identified on **Schedule 3** attached to the Proposed Order (the “Withdrawn Claims”) and together with the Insufficient Documentation Claims and the Late Filed Claims, the “Disputed 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 Seventh (Non-Substantive) Omnibus Objection to Claims (Insufficient Documentation Claims, Late Filed Claims, Withdrawn 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 Disputed Claims should be disallowed for one or more reasons. 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 Disputed 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, 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.*

a. Insufficient Documentation Claims

19. While Bankruptcy Rule 3001(f) provides that a proof of claim executed and filed in accordance with the rules of procedure (i.e., includes the facts and documents necessary to support the claim) constitutes *prima facie* evidence of the validity and amount of the claim, this Court has recognized the position that a proof of claim lacking the supporting documentation required by Bankruptcy Rule 3001 does not receive the presumption of *prima facie* validity; rather, the claimant maintains the burden of proving its claim by a preponderance of the evidence. *In re New Century TRS Holdings, Inc.*, 495 B.R. 625, 633, (Bankr. D. Del. 2013) (citing *In re Kincaid*, 388 B.R. 610, 614 (Bankr. E.D. Pa. 2008)); Fed. R. Bankr. P. 3001(f).

20. The Insufficient Documentation Claims identified in **Schedule 1** should be disallowed in their entirety because they were filed without sufficient documentation to constitute *prima facie* evidence of the validity and amount of the claim asserted. Indeed, the Insufficient

Documentation Claims merely list an amount, without including any invoices, invoice information, statements, agreements, or other supporting documentation providing indicia of a debt owed by the Debtors. Furthermore, the Movants and their professionals have made reasonable efforts to research the Insufficient Document Claims on the Debtors' Books and Records and have identified no basis for the claims therein. Such Insufficient Documentation Claims are not *prima facie* valid and must be disallowed.

b. Late Filed Claims

21. The Late Filed Claims set forth on **Schedule 2** of the Proposed Order should be disallowed because each Claimant was provided sufficient notice of the applicable Bar Dates, but filed its Claim untimely.

22. 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.

23. 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).

24. 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 2**.

c. **Withdrawn Claims**

25. Out of an abundance of caution, the Movants are objecting to the Withdrawn Claims listed on **Schedule 3** to ensure that the Claims Register accurately reflects the withdrawal of said claims. For each of the Withdrawn Claims, the relevant Claimant indicated in writing to the Debtors, the Post-Effective Date Debtors, the Claims Ombudsman or their respective professionals its withdrawal of the relevant claim. However, because these withdrawals were not noticed on the official court docket, the Movants object to the Withdrawn Claims to ensure that there is a record on the docket of the withdrawals set forth on **Schedule 3**.

RESPONSES TO OBJECTION

26. **Filing and Service of Responses.** To contest this Objection, a holder of a Disputed Claim must file and serve a written response to this Objection (a "**Response**") so that it is actually received by the Clerk of the Court and the parties in the following paragraph no later than **4:00**

p.m. (ET) on November 19, 2024 (the “Response Deadline”). Claimants should read the Proposed Order and Exhibits attached carefully.

27. 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))).

28. 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 Disputed 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 Disputed 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.

29. A Response must address each ground upon which the Debtors object to a particular Disputed Claim.

30. 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 **November 26, 2024 at 11:30 a.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.

31. 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.

32. 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.

33. 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

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

35. 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.

36. 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

37. To the extent that a response is filed regarding any Disputed Claim listed in this Objection and the Movants are unable to resolve the response, each such Disputed Claim, and the objection by the Movants to each such Disputed 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 Disputed Claim.

NOTICE

38. 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 Disputed 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.

39. 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

40. 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: October 25, 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.*,³

Reorganized Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Re: Docket No. _____

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

Upon the *Post-Effective Date Debtors' and Claims Ombudsman's Joint Seventh (Non-Substantive) Omnibus Objection to Claims (Insufficient Documentation Claims, Late Filed Claims, Withdrawn Claims)* (the "Objection")⁴, 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 **Schedules 1-3** hereto (each a "Disputed Claim" and collectively, the "Disputed 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 Seventh (Non-Substantive) Omnibus Objection to Claims (Insufficient Documentation Claims, Late Filed Claims, Withdrawn Claims)*

³ 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.

⁴ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Objection.

(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 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 Disputed Claim listed on **Schedule 1-3** 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 Disputed 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 Insufficient Documentation Claims listed on **Schedule 1** attached hereto are hereby disallowed in their entirety.

4. The Late Filed Claims listed on **Schedule 2** attached hereto are hereby disallowed in their entirety.

5. The Withdrawn Claims listed on **Schedule 3** attached hereto are hereby disallowed in their entirety.

6. The objection by the Movants to each of the Disputed 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 Disputed Claim.

7. Any stay of this Order pending appeal by any holder of a Disputed 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.

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

9. Movants' rights to amend, modify, or supplement the Objection, to file additional objections to the Disputed 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 Movants' right to object on other stated grounds or any other grounds that the Movants discover

during the pendency of these Chapter 11 Cases are further preserved.

10. 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.

11. The Movants, Verita, and the Clerk of this Court are authorized and directed to amend the official claims registry to reflect the disallowance of the Disputed Claims pursuant to this Order and to make other changes to the official claims registry as necessary to reflect the terms of this Order.

12. 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.

13. This Order is immediately effective and enforceable.

14. 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	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
1	Grunzke, Erin	156	\$0.00 \$0.00 \$0.00 \$7,500.00	Administrative Priority Secured Priority General Unsecured	Claimant does not provide sufficient documentation to determine the validity of the claim.
2	Hainault, Serge	533	\$0.00 \$0.00 \$0.00 \$1,512.50	Administrative Priority Secured Priority General Unsecured	Claimant does not provide sufficient documentation to determine the validity of the claim.
3	Movassaghi, Masoud	1443	\$0.00 \$0.00 \$0.00 \$10,000.00	Administrative Priority Secured Priority General Unsecured	Claimant does not provide sufficient documentation to determine the validity of the claim.
4	Santangelo, Vincent L. Jr & Michele M. JTWROS	877	\$0.00 \$0.00 \$0.00 \$750,000.00	Administrative Priority Secured Priority General Unsecured	Claimant does not provide sufficient documentation to determine the validity of the claim.
5	Widdison, Wesley Byron	472	\$0.00 \$0.00 \$0.00 \$5,838.14	Administrative Priority Secured Priority General Unsecured	Claimant does not provide sufficient documentation to determine the validity of the claim.

#	Name of Claimant	Date Claim Filed	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
1	Aerabati, Raghunath	04/20/2024	1646	\$0.00 \$0.00 \$0.00 \$20,166.38	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
2	Aerabati, Raghunath	05/09/2024	1647	\$0.00 \$0.00 \$0.00 \$20,166.38	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
3	Alloway, Robert	10/11/2023	1447	\$0.00 \$0.00 \$0.00 \$100.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
4	Brady, Matthew	10/11/2023	1444	\$0.00 \$0.00 \$100.00 \$0.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
5	Bray, Donald	10/12/2023	1472	\$0.00 \$0.00 \$0.00 \$6,589.43	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
6	Colman, Thomas D	10/24/2023	1552	\$0.00 \$0.00 \$0.00 BLANK	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
7	CT Corporation	10/17/2023	1531	\$0.00 \$0.00 \$0.00 \$290.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
8	CT Corporation	10/17/2023	1532	\$0.00 \$0.00 \$0.00 \$580.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
9	Dimov, Svetlin	10/13/2023	1489	\$0.00 \$0.00 \$0.00 \$100.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
10	ETRADE Financial Corporate Services	11/17/2023	1588	\$0.00 \$0.00 \$0.00 \$12,415.39	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
11	Hawkins, Jacob	10/17/2023	1529	\$0.00 \$0.00 \$0.00 \$100.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
12	Hirunpongchai, Anussara	10/15/2024	1648	\$0.00 \$0.00 \$0.00 \$606.52	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
13	Hirunpongchai, Anussara	10/15/2024	1649	\$0.00 \$0.00 \$0.00 \$606.52	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
14	Movassaghi, Masoud	10/11/2023	1443	\$0.00 \$0.00 \$0.00 \$10,000.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
15	Nguyen, Hoa Binh	10/21/2023	1551	\$0.00 \$0.00 \$0.00 \$4,800.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
16	Nguyen, Huy Lac	10/21/2023	1549	\$0.00 \$0.00 \$0.00 BLANK	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
17	Oreste, Meghan K	10/12/2023	1449	\$0.00 \$0.00 \$0.00 \$234.75	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
18	Palay, David D. Jr. Individually, and Palay, Carol J Individually, and as Joint Tenants	10/16/2023	1515	\$0.00 \$0.00 \$0.00 \$74,975.22	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
19	Philemy, Josiamise Joseph	10/19/2023	1536	\$0.00 \$0.00 \$0.00 \$231.49	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
20	Pierburg GmbH	10/16/2023	1516	\$0.00 \$0.00 \$0.00 BLANK	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
21	Saint-Fleur, Hermann	10/19/2023	1535	\$0.00 \$0.00 \$0.00 \$709.44	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
22	Shinn, Doug	10/17/2023	1530	\$0.00 \$0.00 \$1,000.00 \$0.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date
23	Wright, Josh	10/23/2023	1544	\$0.00 \$0.00 \$0.00 \$100.00	Administrative Priority Secured Priority General Unsecured	Filed after applicable bar date

#	Name of Claimant	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
1	AIG Property Casualty, Inc. and its Affiliates Identified on the Addendum Hereto	560	\$0.00 \$0.00 \$0.00 UNLIQUIDATED	Administrative Priority Secured Priority General Unsecured	Claim has been withdrawn
2	CEVA Logistics U.S., Inc.	1364	\$0.00 \$0.00 \$0.00 \$597,377.90	Administrative Priority Secured Priority General Unsecured	Claim has been withdrawn
3	Flex-N-Gate Bradford, a Division of Ventra Group Co.	1419	\$0.00 \$0.00 \$0.00 \$337,153.00	Administrative Priority Secured Priority General Unsecured	Claim has been withdrawn

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 SEVENTH (NON-SUBSTANTIVE) OMNIBUS OBJECTION TO CLAIMS
(Insufficient Documentation Claims, Late Filed Claims, Withdrawn 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 Seventh (Non-Substantive) Omnibus Objection to Claims (Insufficient Documentation Claims, Late Filed Claims, Withdrawn 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 **Schedules 1 - 3** (the “Schedules”) 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 in **Schedule 1** to **Exhibit A** to the Objection (the “Insufficient Documentation Claims”) and the supporting documentation, if any, filed therewith, and have determined that they were filed without sufficient documentation to constitute *prima facie* evidence of the validity and amount of the claim asserted. Indeed, in most cases, these claims merely list an amount, without including information, statements, agreements, or other supporting documentation providing indicia of a debt owed by the Debtors. We have reviewed and made reasonable efforts to research and reconcile the Insufficient Documentation Claims with the Debtors’ books and records, and believe that such documentation does not provide *prima facie* evidence of the validity and amount of these claims. Therefore, the Insufficient Documentation Claims should be disallowed in their entirety.

5. I and/or my counsel, consultants and other professionals reviewed all of the Claims identified on **Schedule 2** 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 in their entirety.

6. I and/or my counsel, consultants and other professionals have been provided written notice of the withdrawal of all of the Claims identified on **Schedule 3** to **Exhibit A** (the “Withdrawn Claims”). Therefore, the Withdrawn Claims should be disallowed in their entirety.

7. 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: October 25, 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: November 26, 2024 at 11:30 a.m. (ET)

Objection Deadline: November 19, 2024 at 4:00 p.m. (ET)

NOTICE OF OMNIBUS OBJECTION AND HEARING

PLEASE TAKE NOTICE THAT, on October 25, 2024, the Post-Effective Date Debtors and Claims Ombudsman filed the *Post-Effective Date Debtors' and Claims Ombudsman's Joint Seventh (Non-Substantive) Omnibus Objection to Claims* (the “**Objection**”) with the United States Bankruptcy Court for the District of Delaware (the “**Bankruptcy Court**”). **Your claim(s) may be disallowed and/or modified as a result of the Objection. Therefore, you should read the attached Objection (including the schedule attached thereto) carefully.**

PLEASE TAKE FURTHER NOTICE THAT YOUR RIGHTS MAY BE AFFECTED BY THE OBJECTION AND BY ANY FURTHER CLAIM OBJECTION THAT MAY BE FILED BY THE POST-EFFECTIVE DATE DEBTORS, CLAIMS OMBUDSMAN OR OTHERWISE. THE RELIEF SOUGHT HEREIN IS WITHOUT PREJUDICE TO THE POST-EFFECTIVE DATE DEBTORS’ AND CLAIMS OMBUDSMAN’S RIGHT TO PURSUE FURTHER OBJECTIONS AGAINST YOUR

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.

CLAIM(S) SUBJECT TO THE OBJECTION IN ACCORDANCE WITH APPLICABLE LAW AND APPLICABLE ORDERS OF THE BANKRUPTCY COURT.

PLEASE TAKE FURTHER NOTICE that if the holder of a claim that is the subject of the Objection wishes to respond to the Objection, the holder must file and serve a written response so that it is actually received no later than **November 19, 2024 at 4:00 p.m. (ET)** by (i) the Office of the Clerk of the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, DE 19801; (ii) 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 (iii) 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)).

PLEASE TAKE FURTHER NOTICE that responses to the Objection must contain, at 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 the Objection to which the response is directed; (b) the name of the claimant, his/her/its claim number, and a description of the basis for the amount of the claim; (c) the specific factual basis and supporting legal argument upon which the party will rely in opposing the Objection; (d) any supporting documentation, to the extent that it was not included with the proof of claim previously filed with the clerk or Verita, upon which the party will rely to support the basis for and amounts asserted in the respective proof of claim; and (e) the name,

address, telephone number, fax number and/or email address of the person(s) (which may be the claimant or the claimant's legal representative) with whom counsel for the Post-Effective Date Debtors and Claims Ombudsman should communicate with respect to the claim or the response and who possesses authority to reconcile, settle, or otherwise resolve the objection to the disputed claim on behalf of the claimant.

PLEASE TAKE FURTHER NOTICE that if no response to the Objection is timely filed and received in accordance with the above procedures, an order may be entered sustaining the Objection without further notice or a hearing. If a response is properly filed, served and received in accordance with the above procedures and such response is not resolved, a hearing to consider such response and the Objection will be held before The Honorable Mary F. Walrath, United States Bankruptcy Judge for the District of Delaware, at the Bankruptcy Court, 824 North Market Street, 5th Floor, Courtroom No. 4, Wilmington, Delaware 19801 on **November 26, 2024 at 11:30 a.m. (E.T.) (the "Hearing")**. Only a response made in writing and timely filed and received will be considered by the Bankruptcy Court at the Hearing.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE BANKRUPTCY COURT MAY SUSTAIN THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: October 25, 2024

/s/ David M. Klauder

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