

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

In re

Nu Ride Inc., *et al.*,<sup>1</sup>

Reorganized Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Re: Docket Nos. 1366, 1386, 1379, 1392, 1402,  
1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411,  
1412, 1413, 1414

**REORGANIZED DEBTORS' OMNIBUS REPLY IN SUPPORT OF THE POST-  
EFFECTIVE DATE DEBTORS' AND CLAIMS OMBUDSMAN'S  
JOINT SIXTH AND EIGHTH OMNIBUS (NON-SUBSTANTIVE)  
OBJECTIONS TO CERTAIN EQUITY INTEREST CLAIMS**

The reorganized debtors 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 undersigned counsel, submit this reply (the “Omnibus Reply”) in further support of the *Post-Effective Date Debtors' and Claims Ombudsman's Joint Sixth Omnibus (Non-Substantive) Objection to Certain Equity Interest Claims* [D.I. 1366] (the “Sixth Omnibus Objection”) and the *Post-Effective Date Debtors' and Claims Ombudsman's Joint Eighth Omnibus (Non-Substantive) Objection to Certain Equity Interest Claims* [D.I. 1386] (the “Eighth Omnibus Objection”) and in response to the informal and formal responses defined below.

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



## BACKGROUND

1. 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* [D.I. 319] (the “Bar Date Order”).

2. The Bar Date Order states that “[a]ny person or entity holding an equity security or other ownership interest in the Debtors (an “**Interest Holder**”) is not required to file a proof of interest on or before the applicable Bar Date. . . .” Bar Date Order ¶ 15 (emphasis added).

3. On March 6, 2024, the Court confirmed the *Fourth Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and its Affiliated Debtors* [D.I. 1066] (the “Plan,” and the Order confirming the Plan [Docket No. 1069], the “Confirmation Order”). The Plan went Effective on March 14, 2024.<sup>2</sup>

4. On October 14, 2024, the Movants, by and through their respective counsel, filed with the United States Bankruptcy Court for the District of Delaware (the “Court”) the Sixth Omnibus Objection. Responses to the Sixth Omnibus Objection were to be filed and served no later than November 12, 2024 at 4:00 p.m. (ET) (the “Sixth Omnibus Objection Deadline”).

5. On October 25, 2024, the Movants, by and through their respective counsel, filed with the Court the Eighth Omnibus Objection. Responses to the Eighth Omnibus Objection were to be filed and served no later than November 19, 2024 at 4:00 p.m. (ET) (the “Eighth Omnibus Objection Deadline”).

6. Prior to the Sixth Omnibus Objection Deadline, the Movants received informal responses (each, an “Informal Response” and collectively, the “Informal Responses”) from

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<sup>2</sup> See Notice of Effective Date [Docket No. 1096].

Elizabeth Goblirsch, Kevin Meehan, Greg Burrus, Linda Nguyen, Jeffrey W. Seigworth, Lynn Kovalcheck, Janet S. Crittle on behalf of Arthur George Palmer (d.), Ernest Allen, Azal Illy, Johnie Daniel, Ross Wilson, Mandeep Gill, Todd Schuster, Michael Djirdjirian, Minjung Choo, Aashish Surti, Danie Samuel, Tod Borton, Carlande Desarme, Natacha Joseph Philemy, John Ellis, and Svetlin Vranchev.

7. Prior to the Sixth Omnibus Objection Deadline, the Movants received the following formal responses (each, a “Formal Response” and collectively, the “Formal Responses”):

- a. On October 14, 2024, the Court and the Movants received a Formal Response from Diane Modafferi. *See* D.I. 1379.
- b. On October 30, 2024, the Court and the Movants received a Formal Response from Frederick P. Vanden Wollenberg. *See* D.I. 1392.
- c. On November 7, 2024, the Court and the Movants received a Formal Response from Julia Park on the behalf of Chulie Park (d.). *See* D.I. 1402.
- d. On November 8, 2024, the Court and the Movants received a Formal Response from Rahul Singh. *See* D.I.s 1404, 1412, 1413, 1414.
- e. On November 8, 2024, the Court and the Movants received a Formal Response from William Lucas. *See* D.I. 1406.
- f. On November 4, 2024, the Court and the Movants received a Formal Response from Svetlin Vranchev. *See* D.I. 1407.
- g. On November 11, 2024, the Court and the Movants received a Formal Response from Baskar Sridharan. *See* D.I. 1408.
- h. On November 14, 2024, the Court and the Movants received a Formal Response from Samhita Gera. *See* D.I. 1409.
- i. On November 14, 2024, the Court and the Movants received a Formal Response from Marilyn Falk. *See* D.I. 1410.
- j. On November 11, 2024, the Court and the Movants received a Formal Response from Lorianne Kerley. *See* D.I. 1411.

8. Prior to the Eighth Omnibus Objection Deadline, the Movants received Informal Responses from David Sherman, Mark Hrifko, and Arvind Mistry, and one Formal Response from Harjit Gill. *See* D.I. 1405.

9. Counsel to the Movants immediately responded by email and/or telephone call to each Informal and Formal Response upon receipt, explaining: (i) equity interests are not a claim against the debtor; (ii) because an equity interest does not constitute a claim, the filed proof of claim on account of an equity interest should be disallowed; and (iii) under the Plan, holders of common stock interest retain their rights as stockholders in the reorganized debtors, therefore, the equity interests are not impacted or otherwise impaired by the Omnibus Objection.

### **REPLY**

10. Each of the claims listed in Schedule 1 to the Sixth and Eighth Omnibus Objections (the “Equity Claims”) were filed by a shareholder based on their ownership of equity securities in one of the Debtors.

11. Each of the Equity Claims assert claims based solely on ownership of an equity interest and do not assert any claims for damages based on the purchase or sale of such equity security or other ownership interest. While certain of the Informal and Formal Responses raise allegations of fraud or misinformation, those allegations stem from the claimants’ equity ownership and are not independent of such equity ownership. Moreover, the Informal and Formal Responses do not include any support to support a claim that does not arise from the claimants’ equity ownership.

### **CONCLUSION**

12. For all the reasons articulated in the Omnibus Reply and stated herein, Movants respectfully request that this Court overrule the Informal and Formal Responses and enter an order

to approve the relief requested in the Sixth and Eighth Omnibus Objections and such other and further relief as it deems just and proper.

Dated: November 21, 2024

/s/ Brya M. Keilson

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