

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: May 6, 2025 at 11:30 a.m. (ET)

Objection Deadline: April 28, 2025 at 4:00 p.m. (ET)

**POST-EFFECTIVE DATE DEBTORS' AND CLAIMS OMBUDSMAN'S
JOINT TENTH (SUBSTANTIVE) OMNIBUS OBJECTION TO CLAIMS
(Reduced Claims, No Liability Claims, Equity Claims, and Withdrawn Claims)**

THIS OBJECTION SEEKS TO DISALLOW OR REDUCE CERTAIN CLAIMS. CLAIMANTS RECEIVING THIS OBJECTION SHOULD REVIEW THIS OBJECTION AND LOCATE THEIR NAMES AND CLAIMS ON SCHEDULES 1-4 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 SCHEDULE 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 joint tenth omnibus (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) reducing the claims identified on **Schedule 1** attached to the Proposed Order by the amounts set forth thereon (the “Reduced Claims”), (2) disallowing the claims identified on **Schedule 2** attached to the Proposed Order for which the Debtors (defined herein) have no liability (the “No Liability Claims”), (3) disallowing the claims identified on **Schedule 3** attached to the Proposed Order that are filed on account of equity interests in the Debtors (the “Equity Claims”), and (4) disallowing the claims identified on **Schedule 4** that were withdrawn (the “Withdrawn Claims” and together with the Reduced Claims, No Liability Claims, and Equity 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 Tenth (Substantive) Omnibus Objection to Claims (Reduced Claims, No Liability Claims, Equity 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. Reduced Claims

19. The Movants object to the Reduced Claims listed on **Schedule 1** because the claims overstate the amount of liability owed by the Debtors as compared to the Books and Records or the applicable contract documents, and/or because such claims fail to include sufficient documentation to support the full amount asserted.

20. After reviewing each Reduced Claim, together with the Books and Records, and consulting with the Debtors' former Chief Financial Officer and Controller, the Movants have determined that the amount of each Reduced Claim should be reduced as detailed on **Schedule 1**.

B. No Liability Claims

21. The Movants object to the No Liability Claims listed on **Schedule 2** because the Movants believe that the Debtors have no liability for such claims, either because such claims have been satisfied, the damages asserted are at odds with applicable contracts, or because the Debtors' Books and Records show no amount due in tandem with such claims failing to include sufficient documentation to support the amount asserted. After reviewing each Claim, together with the Books and Records and consulting with certain of the Debtors' former principals, the Movants have determined that each Disputed Claim should be disallowed for the reasons set forth on **Schedule 2**.

C. Equity Claims

22. Movants object to the Equity Claims listed on **Schedule 3** to the Proposed Order because each of these claims was filed by a shareholder based on the ownership of equity securities in one of the Debtors.

23. The Bankruptcy Code defines an "equity security" as a:

- a. share in a corporation, whether or not transferable or denominated "stock", or similar security;
- b. interest of a limited partner in a limited partnership; or
- c. warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (A) or (B) of this paragraph.

11 U.S.C. § 101(16). Holders of equity securities, such as shares of stock, do not have "claims" under section 101(5) of the Bankruptcy Code, but rather equity interests. *See In re Insilco Techs., Inc.*, 480 F.3d 212, 218 (3d Cir. 2007) ("[An equity interest] is not a claim at all"); *In re Hedged-Invs. Assocs.*, 84 F.3d 1267, 1272 (10th Cir. 1996) ("Simply put, an equity interest is not a claim against the debtor . . .") (quotations omitted)).

24. Moreover, 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).

25. While equity security holders in these Chapter 11 Cases were required, to the extent they had claims against the Debtors, to file a proof of claim to preserve such claims (which are distinct from rights arising solely from the ownership of equity interests), each of the Equity Claims listed on Schedule 3 fails to demonstrate the existence of a claim for damages against the Debtors and rather demonstrate interests based solely on equity ownership. While certain of the Equity Claims included allegations of wrongful conduct on the part of the Debtors, the support provided with the relevant Equity Claims does not demonstrate the existence of a lawsuit, cause of action or demand made against the Debtors by the relevant claimant on the basis of those allegations. While such allegations could be construed as asserting a claim for damages based on the purchase or sale of such equity security or other ownership interest, the support provided with the relevant Equity Claims is limited to proof of equity ownership, and not more.³ As such, without more, the equity interests asserted by holders of the Equity Claims do not constitute “claims” against the Debtors and such Equity Claims listed on Schedule 3 should be disallowed.

26. The disallowance of the Equity Claims will not prejudice the holders of the Equity Claims as filing a proof of claim was not necessary to preserve their rights or an entitlement, if any, to a potential distribution on account of their equity interests.

³ Consistent with Local Rule 3007-1(d)(v), each of the Equity Claims listed on Schedule 3 to the Proposed Order merely demonstrate ownership of equity interests and do not allege damages associated therewith. Accordingly, the Movants file this Objection on the non-substantive basis that such claims are based solely on equity ownership in the Debtors. The Movants reserve the right to raise additional and further argument in support of the Objection to the extent the Court determines that the Objection is substantive in nature.

27. The elimination of the Equity Claims will result in a Claims Register that accurately reflects the valid claims that have been asserted against the Debtors' estates. Therefore, the Movants (i) object to the allowance of the Equity Interests set forth on **Schedule 3** to the Proposed Order and (ii) seek entry of the Proposed Order disallowing the Equity Claims in their entirety.

D. Withdrawn Claims

28. Finally, out of an abundance of caution, the Movants are objecting to the Withdrawn Claims listed on **Schedule 4** 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 4**.

RESPONSES TO OBJECTION

29. 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 **April 28, 2025** (the "Response Deadline"). Claimants should read the Proposed Order and Exhibits attached carefully.

30. 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))).

31. 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.

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

33. 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 **May 6, 2025 at 11:30 a.m. (ET)** 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.

34. 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.

35. **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.

36. **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

37. 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.

38. 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.

39. 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

40. 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

41. 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.

42. 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

43. 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: March 28, 2025

/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 TENTH (SUBSTANTIVE)
OMNIBUS OBJECTION TO CLAIMS
(Reduced Claims, No Liability Claims, Equity Claims, and Withdrawn Claims)**

Upon the *Post-Effective Date Debtors' and Claims Ombudsman's Joint Tenth (Substantive) Omnibus Objection to Claims (Reduced Claims, No Liability Claims, Equity Claims and Withdrawn 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 reducing the claims set forth on **Schedule 1** and disallowing the claims set forth on **Schedules 2-4** 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 Tenth (Substantive) Omnibus*

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.

Objection to Claims (Reduced Claims, No Liability Claims, Equity Claims, & Withdrawn 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 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 Schedules 1-4 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 Reduced Claims listed on **Schedule 1** attached hereto are hereby reduced as reflected on the schedule.
4. The No Liability Claims listed on **Schedule 2** attached hereto are hereby disallowed in their entirety.
5. The Equity Claims listed on **Schedule 3** attached hereto are hereby disallowed in their entirety.
6. The Withdrawn Claims listed on **Schedule 4** attached hereto are hereby disallowed in their entirety.
7. 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.
8. 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.
9. Nothing in the Objection or this Order shall be construed as an allowance of any Claim.
10. 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.

11. 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.

12. 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.

13. 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.

14. This Order is immediately effective and enforceable.

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

Dated: _____, 2025
Wilmington, Delaware

The Honorable Mary F. Walrath
United States Bankruptcy Judge

Schedule 1 -

Reduced Claims

#	Name of Claimant	Claim Number	Asserted Claim Amount	Asserted Claim Type	Modified Claim Amount	Modified Claim Type	Reason for Disallowance
1	BASF Corporation	19	\$0.00 \$0.00 \$0.00 \$66,696.46	Administrative Priority Secured Priority General Unsecured	\$0.00 \$0.00 \$0.00 \$1,886.00	Administrative Priority Secured Priority General Unsecured	Claim is for goods ordered in alleged reliance on a scheduling forecast issued in connection with schedule agreement purchase orders 109140 and 114283, each of which are subject to a Forecast and Release Policy that limits Debtors' liability to excess materials purchased in reliance on a scheduling forecast no earlier than twelve (12) weeks prior to production. The Debtors' books and records reflect that no more than \$1,886.00 is owed to claimant. Movants are unable to verify any additional amounts owed based on the support provided.
2	Laval Tool and Mould LTD	1087	\$0.00 \$0.00 \$0.00 \$189,977.91	Administrative Priority Secured Priority General Unsecured	\$0.00 \$0.00 \$0.00 \$128,873.60	Administrative Priority Secured Priority General Unsecured	The documentation provided with the claim does not support the liability asserted. The Debtors' books and records reflect that no more than \$128,873.60 is owed to claimant. Movants are unable to verify any additional amounts owed based on the support provided.

Schedule 1 -

Reduced Claims

#	Name of Claimant	Claim Number	Asserted Claim Amount	Asserted Claim Type	Modified Claim Amount	Modified Claim Type	Reason for Disallowance
3	ZF Passive Safety Systems US Inc.	1291	\$0.00 \$0.00 \$0.00 \$751,642.85	Administrative Priority Secured Priority General Unsecured	\$0.00 \$0.00 \$0.00 \$86,410.00	Administrative Priority Secured Priority General Unsecured	The Debtors' books and records support \$286,319.00 owed to claimant on account of unpaid tooling and \$37,477.36 on account of obsolescence. The Debtors are not liable under applicable terms and conditions for amounts asserted on account of sub-supplier costs. The Debtors' records also reflect a credit due to Lordstown in the amount of \$237,387, which is applied to further reduce the amounts owed to claimant. Movants are unable to verify any additional amounts owed based on the support provided.

No Liability Claims

#	Name of Claimant	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
1	ANSYS Incorporated and Subsidiaries dba ANSYS Inc.	1130	\$0.00 \$0.00 \$0.00 \$1,150,000.00	Administrative Priority Secured Priority General Unsecured	The Debtors' books and records, and the supporting documentation provided by claimant, supports the conclusion that the Debtors entered into a one year license with creditor, as opposed to the three year license asserted in the proof of claim. The license fees due for the one year contract were paid in full prepetition. Accordingly, no further amounts are owed to claimant.
3	Federal Insurance Company c/o Chubb	1242	\$0.00 \$0.00 \$0.00 \$37,850.00	Administrative Priority Secured Priority General Unsecured	The liability asserted in the claim was the subject of an audit for which the Debtors were never provided final documentation. The Movants are unable to verify the amounts owed.
4	Inteva Products, LLC	1241	\$0.00 \$0.00 \$0.00 \$603,055.00	Administrative Priority Secured Priority General Unsecured	The Claim does not provide or identify a contract with the Debtors upon which the alleged liability is based and the Debtors' books and records do not reflect any amounts owed to claimant. Accordingly, Movants are unable to verify any amounts owed.
5	Quality MetalCraft Inc.	1289	\$0.00 \$0.00 \$0.00 \$373,853.44	Administrative Priority Secured Priority General Unsecured	The Terms and Conditions applicable to the spot buy purchase orders on which the claim is based limits the Debtors' damages to goods delivered to the Debtors. The Debtors have no record of receiving the goods in question and claimant has not provided proof of delivery to enable Movants to verify any amounts owed.

No Liability Claims

#	Name of Claimant	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
6	The Timken Company and The Timken Corporation	1591	\$0.00 No Less than \$316,514.00 \$0.00 \$0.00	Administrative Priority Secured Priority General Unsecured	The damages set forth in the Spot Buy Production Quotation are not supported by a valid contract. Movants disagree that the indemnification language relied upon by claimant supports the collection of the asserted damages.

Schedule 3 -

Equity Claims

#	Name of Claimant	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
1	Kamrooz, Massoud	18	\$0.00 \$0.00 \$0.00 \$15,477.36	Administrative Priority Secured Priority General Unsecured	Claim is based on ownership of equity securities in the Debtors.
2	Lopez V., J. Demetrio	778	\$0.00 \$0.00 \$0.00 \$2,839.29	Administrative Priority Secured Priority General Unsecured	Claim is based on ownership of equity securities in the Debtors.

Schedule 4 -

Withdrawn Claims

#	Name of Claimant	Claim Number	Claim Amount	Claim Type	Reason for Disallowance
1	Optessa USA, Inc.	39	\$0.00 \$0.00 \$0.00 \$110,500.00	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 TENTH (SUBSTANTIVE) OMNIBUS OBJECTION TO CLAIMS
(Reduced Claims, No Liability Claims, Equity Claims and 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 Tenth (Substantive) Omnibus Objection to Claims (Reduced Claims, No Liability Claims, Equity Claims, & Withdrawn Claims)* (the "Objection"), pursuant to which I, together with the Post-Effective Date Debtors, am requesting that this Court enter an order reducing or disallowing 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 consulted with my professionals, and to the best of my knowledge and belief, the information contained on **Schedules 1-4** (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 “Reduced Claims”) and the supporting documentation, if any, filed therewith, and made reasonable efforts to research and reconcile the claims in and with the Books and Records, and have determined that the claims were filed for amounts inconsistent with Books and Records and/or the applicable contract documents. Therefore, the Reduced Claims should be reduced in accordance with Books and Records.

5. I and/or my counsel, consultants and other professionals reviewed all of the Claims identified in **Schedule 2** to **Exhibit A** to the Objection (the “No Liability Claims”) and the corresponding books and records of the Debtors and applicable contract documents and have determined that the Debtors have no liability for the underlying debt. We have reviewed and made reasonable efforts to research and reconcile the No Liability 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. In many instances, based on the information made available to me, my counsel, consultants and other professionals, the damages sought are precluded by applicable contract documents. Therefore, the No Liability Claims should be disallowed in their entirety.

6. I and/or my counsel, consultants and other professionals reviewed all of the Claims identified in **Schedule 3** to **Exhibit A** to the Objection (the “Equity Claims”), and have determined that each claim identified thereon was filed by a shareholder based on the ownership of equity securities in one of the Debtors. Such claims were identified as Equity Claims because the

claimants noted on the proof of claim form that the claim was filed on account of such an equity interest, or, in certain instances, the claimants submitted a brokerage statement with the proof of claim demonstrating such ownership. While certain of the claimants included allegations of wrongful conduct on the part of the Debtors, the support provided with the relevant Equity Claims only demonstrate ownership of equity interests in the Debtors and did not demonstrate an existing law suit, cause of action or demand asserted by the relevant claimant against the Debtors on the basis of those allegations. Therefore, the Equity Claims should be disallowed in their entirety.

7. 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 4** to **Exhibit A** (the “**Withdrawn Claims**”). Therefore, the Withdrawn Claims should be disallowed in their entirety.

8. 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: March 28, 2025

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

**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)

CERTIFICATE OF SERVICE

I, David M. Klauder, Esquire, hereby certify that on March 28, 2025, a true and correct copy of the *Post-Effective Date Debtors' and Claims Ombudsman's Joint Tenth (Substantive) Omnibus Objection to Claims* was served via electronic mail and/or First Class U.S. Mail upon the parties on the attached Service List.

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.

Dated: March 28, 2025

/s/ David M. Klauder

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