IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: FISKER INC., *et al.*, Debtors.[1]	Chapter 11 Case No. 24-11390 (TMH) (Jointly Administered) **Hearing Date: August 17, 2026 @ 2:00 9m. (Eastern)** **Objection Deadline: July 30, 2026 @ 4:00 p.m. (Eastern)**

MOTION FOR ENTRY OF AN ORDER AUTHORIZING HENRIK FISKER TO FILE UNDER SEAL CONFIDENTIAL INFORMATION CONTAINED IN MOTION FOR ENTRY OF AN ORDER AUTHORIZING PAYMENT OF SETTLEMENT AMOUNT ON BEHALF OF INSURED PERSONS UNDER THE D&O POLICIES

Henrik Fisker ("Mr. Fisker"), by and through his undersigned counsel, hereby files this *Motion for Entry of an Order Authorizing Henrik Fisker to File Under Seal Confidential Information Contained in Motion for Entry of an Order Authorizing Payment of Settlement Amount on Behalf of Insured Persons Under the D&O Policies,* (the "Motion to Seal"), seeking entry of an order, substantially in the form attached hereto as **Exhibit A** (the "Proposed Order"), pursuant to Section 107 of title 11 of the United States Code (the "Bankruptcy Code"), Rule 9018-1 of the Local Rules of Practice and Procedure (the "Local Rules") for the United States Bankruptcy Court for the District of Delaware (the "Court"), authorizing Mr. Fisker to file under seal Confidential Information (hereinafter defined) contained in the *Motion for Entry of an Order Authorizing Payment of Settlement Amount on Behalf of Insured Persons Under the D&O Policies* (the "D&O

[1] The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors' corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.

Motion") that will be filed contemporaneously herewith. In support of his Motion to Seal, Mr. Fisker respectfully states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Motion to Seal 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.

2. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

3. Mr. Fisker confirms his consent, pursuant to Rule 9013-1(f) of the Local Rules, to the entry of a final order by the Court in connection with this Motion to Seal to the extent it is later determined that the Court, absent consent of the parties, cannot enter a final order or judgment in connection herewith consistent with Article III of the United States Constitution.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The predicates for the relief requested herein are Section 107 of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018.

BACKGROUND

6. Certain actions (the "Actions"), as detailed more fully in the D&O Motion, were filed against Mr. Fisker.

7. On October 4, 2024, this Court entered an *Order Granting Debtors' Motion for Order Allowing the Advancement and Payment of Defense Costs of Insured Persons Pursuant to D&O Policies* [Doc. No. 631] (the "D&O Order"), which states in pertinent part that "the D&O Policies shall not be used to fund any settlement of any Covered Claims absent further order of the Court." D&O Order, at ¶ 4.

8. Mr. Fisker is an insured under the Debtors' relevant D&O Policies.

9. Following extensive negotiations, Mr. Fisker and certain Plaintiffs in the Actions have entered into a confidential settlement agreement and mutual release (the "Confidential Settlement Agreement").

10. The payment contemplated by the Confidential Settlement Agreement is to be paid through the D&O Policies by the D&O Insurers.

11. The D&O Motion includes details surrounding the settlement and related Actions, including the names of the settling parties, amount of the settlement payment, the relevant case information, releases, and the underlying nature of the actions being resolved under the Confidential Settlement Agreement (the "Confidential Information") that must remain confidential pursuant to the terms of the Confidential Settlement Agreement, but which details must necessarily be disclosed to the Court in light of the D&O Order and the Court's oversight of payments pertaining to the D&O Policies.

REQUESTED RELIEF

12. By this Motion, Mr. Fisker respectfully requests that the Court enter the Proposed Order authorizing Mr. Fisker to (a) file under seal Confidential Information included in the D&O Motion, (b) file a redacted version of the D&O Motion on the docket of the above-captioned chapter 11 cases; and (c) provide an unredacted version of the D&O Motion to the Court, the Debtors, the Office of the United States Trustee for the District of Delaware, Matthew Dundon in his capacity as the Liquidating Trustee of the Fisker Liquidating Trust (the "Liquidating Trustee"), and any other parties in interest as the Court may order.

13. Section 107(b)(1) of the Bankruptcy Code provides that "[o]n request of a party in interest, the bankruptcy court shall … protect an entity with respect to a trade secret or confidential research, development, or commercial information. …" 11 U.S.C. § 107(b)(1). The moving party

must simply demonstrate that the material sought to be protected satisfies one of the categories identified in Section 107(b) of the Bankruptcy Code.

14. Bankruptcy Rule 9018 provides that "the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information." Local Rule 9018-1(d)(i) permits a party seeking to file documents under seal to file a motion to that effect.

15. Mr. Fisker seeks authority to file the Confidential Information in the D&O Motion under seal. Mr. Fisker seeks to maintain the confidentiality of this information as the parties agreed under the Confidential Settlement Agreement.

16. If this Motion to Seal is not granted, Mr. Fisker and/or other insureds under the D&O Policies may be substantially prejudiced. If the terms of the Confidential Information are disclosed, Mr. Fisker and other parties may be subject to frivolous lawsuits without merit, but which would require legal defenses that are covered by the D&O Policies, thereby resulting in the depletion of resources. The Confidential Information is commercial information that must be protected.

17. Upon the sealing of the Confidential Information in the D&O Motion, unredacted copies of the D&O Motion shall not be made available to anyone except the Court, the Debtors, the U.S. Trustee, Matthew Dundon in his capacity as the Liquidating Trustee of the Fisker Liquidating Trust, and others only upon further order of the Court.

18. Consistent with Local Rule 9018-(d), Mr. Fisker has filed a sealed version of the D&O Motion as a restricted document in accordance with CM/ECF procedures and is filing a redacted version of the D&O Motion concurrently with the filing of this Motion to Seal. *See* Local Rule 9018-(d)(i)-(ii).

NOTICE

19. Notice of this Motion to Seal has been given to the following parties or, in lieu thereof, to their counsel, if known: (a) the Debtors; (b) the U.S. Trustee; (c) Matthew Dundon in his capacity as the Liquidating Trustee of the Fisker Liquidating Trust; and (d) any party that has requested notice pursuant to Bankruptcy Rule 2002. Mr. Fisker submits that in light of the nature of the relief requested herein, no other or further notice is required or necessary.

NO PRIOR REQUEST

20. No previous request for the relief requested herein has been made to this or any other court.

CONCLUSION

WHEREFORE, for the reasons set forth above, Mr. Fisker respectfully requests that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and awarding such other and further relief as the Court deems just and proper.

Dated: July 9 2026

RAINES FELDMAN LITTRELL, LLP

/s/ Thomas J. Francella, Jr.

Thomas J. Francella, Jr., Esquire (No. 3835)
824 North Market Street, Suite 805
Wilmington, DE 19801
(302) 772-5803
tfrancella@raineslaw.com

-and-

ORRICK, HERRINGTON & SUTCLIFFE LLP
Kevin M. Askew, Esquire
355 S. Grand Ave.
Ste. 2700
Los Angeles, CA 90071
(213) 629-2020
kaskew@orrick.com

Counsel to Henrik Fisker

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: FISKER INC., *et al.*, Debtors.[1]	Chapter 11 Case No. 24-11390 (TMH) (Jointly Administered) **RE: D.I. ___**

ORDER AUTHORIZING HENRIK FISKER TO FILE UNDER SEAL CONFIDENTIAL INFORMATION IN MOTION FOR ENTRY OF AN ORDER AUTHORIZING PAYMENT OF SETTLEMENT AMOUNT ON BEHALF OF INSURED PERSONS UNDER THE D&O POLICIES

Upon consideration of the *Motion for Entry of an Order Authorizing Henrik Fisker to File Under Seal Confidential Information in Motion for Entry of an Order Authorizing Payment of Settlement Amount on Behalf of Insured Persons Under the D&O Policies* (the "Motion to Seal")[2] filed by Henrik Fisker pursuant to Section 107 of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1; and the Court finding that it has jurisdiction over this matter; and due and proper notice of the Motion to Seal has been given, and no other or further notice is required, and the Court having determined that the legal and factual bases set forth in the Motion to Seal establish just cause for the relief granted herein; and it appearing that the venue of this proceeding and this Motion to Seal is proper pursuant to 28 U.S.C. §§ 1408 and 1409, and after due deliberation thereon, and sufficient cause appearing therefore; it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion to Seal is **GRANTED** as set forth herein.

[1] The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors' corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.

[2] Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion to Seal.

2. Mr. Fisker is authorized to file under seal the Confidential Information in the D&O Motion.

3. The Confidential Information in the D&O Motion shall remain under seal, and shall not be made available to anyone, except that Mr. Fisker shall provide unredacted copies of the D&O Motion to the Court, the U.S. Trustee, Matthew Dundon in his capacity as the Liquidating Trustee of the Fisker Liquidating Trust, and other parties in interest only upon further order of the Court.

4. Any party receiving the unredacted D&O Motion and any exhibits thereto shall not disclose the Confidential Information to any other party, person, or entity without further order of the Court.

5. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: FISKER INC., *et al.*, Debtors.[1]	Chapter 11 Case No. 24-11390 (TMH) (Jointly Administered) **Hearing Date: August 17, 2026 @ 2:00 p.m. (Eastern)** **Objection Deadline: July 30, 2026 @ 4:00 p.m. (Eastern)**

NOTICE OF MOTION FOR AN ORDER AUTHORIZING HENRIK FISKER TO FILE UNDER SEAL CONFIDENTIAL INFORMATION IN MOTION FOR ENTRY OF AN ORDER AUTHORIZING PAYMENT OF SETTLEMENT AMOUNT ON BEHALF OF INSURED PERSONS UNDER THE D&O POLICIES

PLEASE TAKE NOTICE that Henrik Fisker ("Mr. Fisker") filed the *Motion for Entry of an Order Authorizing Henrik Fisker to File Under Seal Confidential Information in Motion for Entry of an Order Authorizing Payment of Settlement Amount on Behalf of Insured Persons Under the D&O Policies*(the "Motion to Seal") with the United States Bankruptcy Court for the District of Delaware (the "Court"),

PLEASE TAKE FURTHER NOTICE that objections to the Motion to Seal, if any, must be in writing, filed with the Clerk of the United States Bankruptcy Court for the District of Delaware, 3rd Floor, 824 N. Market Street, Wilmington, Delaware 19801, on or before July 30, 2026 at 4:00 p.m. (Eastern) (the "Objection Deadline"), and served upon and received by the undersigned counsel for Mr. Fisker.

[1] The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors' corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.

PLEASE TAKE FURTHER NOTICE that, if any objections to the Motion to Seal are received, the Motion to Seal and objections shall be considered at a hearing before the Honorable Thomas M. Horan at the Bankruptcy Court, 824 N. Market Street, 3rd Floor, Courtroom No. 7, Wilmington, Delaware 19801 on August 17, 2026 at 2:00 p.m (Eastern).

IF NO OBJECTIONS TO THE MOTION ARE TIMELY FILED, SERVED, AND RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: July 9, 2026

RAINES FELDMAN LITTRELL, LLP

/s/ Thomas J. Francella, Jr.
Thomas J. Francella, Jr., Esquire (No. 3835)
824 North Market Street, Suite 805
Wilmington, DE 19801
(302) 772-5803
tfrancella@raineslaw.com

-and-

ORRICK, HERRINGTON & SUTCLIFFE LLP

Kevin M. Askew, Esquire
355 S. Grand Ave.
Ste. 2700
Los Angeles, CA 90071
(213) 629-2020
kaskew@orrick.com

Counsel to Henrik Fisker

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
FISKER INC., *et al.*,	Case No. 24-11390 (TMH)
Debtors.[1]	(Jointly Administered)

CERTIFICATE OF SERVICE

I, Thomas J. Francella, Jr., certify that on July 9, 2026, I caused a copy of the foregoing *Motion* to be served via NEF upon all parties receiving such service.

Dated: July 9, 2026

RAINES FELDMAN LITTRELL, LLP

/s/ Thomas J. Francella, Jr.
Thomas J. Francella, Jr. (No. 3835)
824 North Market Street, Suite 805
Wilmington, DE 19801
(302) 772-5803
tfrancella@raineslaw.com

Counsel to Henrik Fisker

[1] The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors' corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.