

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

In re:

FULCRUM BIOENERGY, INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No. 24-12008 (TMH)

(Joint Administration Requested)

**AMENDED<sup>2</sup> NOTICE OF (I) FILING OF CHAPTER 11 PETITIONS AND RELATED DOCUMENTS AND (II) AGENDA FOR HEARING SCHEDULED FOR SEPTEMBER 12, 2024, AT 11:00 A.M. (EASTERN TIME)**

**This proceeding will be conducted in a hybrid format. Please refer to Judge Horan's Chambers Procedures and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on the method of allowed participation (video or audio), Judge Horan's expectations of remote participants, and the advance registration requirements.**

**Registration is required by September 11, 2024, at 4:00 p.m. (Eastern time).**

**PLEASE TAKE NOTICE** that, on September 9, 2024, the debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the "Debtors") filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the "Bankruptcy Code"), and related pleadings with the United States Bankruptcy Court for the District of Delaware. The Debtors are debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The automatic stay of Section 362(a) of the Bankruptcy Code is in effect.

**PLEASE TAKE FURTHER NOTICE** that a hearing with respect to the following first day pleadings (collectively, the "First Day Pleadings"), to the extent set forth below, is scheduled for **September 12, 2024, at 11:00 a.m. (Eastern Time) in Courtroom #7** (the "First Day Hearing") before The Honorable Thomas M. Horan, United States Bankruptcy Judge for the District of Delaware.

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<sup>1</sup> The debtors and debtors in possession in these chapter 11 cases, along with each debtor's federal tax identification numbers are: Fulcrum BioEnergy, Inc. (3733); Fulcrum Sierra BioFuels, LLC (1833); Fulcrum Sierra Finance Company, LLC (4287); and Fulcrum Sierra Holdings, LLC (8498). The location of the Debtors' service address is: Fulcrum BioEnergy Inc., P.O. Box 220 Pleasanton, CA 94566. All Court filings can be accessed at: <https://www.veritaglobal.net/Fulcrum>.

<sup>2</sup> Amended items in **bold**.



**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the First Day Pleadings may be made at the First Day Hearing.

**PETITIONS**

1. Voluntary Petitions (see attached **Exhibit A**)

Related Documents:

- A. Notice of Hearing to Consider First Day Pleadings (**D.I. 13**, filed 9/11/24).

**DECLARATION IN SUPPORT OF FIRST DAY PLEADINGS**

2. Declaration of Mark Smith, Restructuring Advisor to Fulcrum Bioenergy, Inc., in Support of Chapter 11 Petitions and First Day Motions (**D.I. 9**, filed 9/11/24).

**MATTERS GOING FORWARD**

3. Debtors' Motion for Entry of an Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief (**D.I. 5**, filed 9/10/24).

Status: This matter is going forward.

4. Debtors' Motion for Entry of an Order (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving the Debtors' Proposed Procedures for Resolving Adequate Assurance Requests, and (IV) Granting Related Relief (**D.I. 8**, filed 9/10/24).

Status: This matter is going forward.

5. Debtors' Motion for Interim and Final Orders (I) Authorizing Debtor to (A) Continue Insurance Programs and Surety Bond Program, (B) Pay All Obligations With Respect Thereto, and (II) Granting Related Relief (**D.I. 10**, filed 9/10/24).

Status: This matter is going forward.

6. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses, and (II) Granting Related Relief (**D.I. 6**, filed 9/10/24).

Status: This matter is going forward.

7. Debtors' Application for Entry of an Order Appointing Kurtzman Carson Consultants, LLC dba Verita Global as Claims and Noticing Agent, Effective *Nunc Pro Tunc* to the Petition Date ([D.I. 4](#), filed 9/10/24).

Status: This matter is going forward.

8. **Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Continue to Operate Their Cash Management System and (II) Granting Related Relief** ([D.I. 7](#), filed 9/10/24).

Status: This matter is going forward.

9. Debtors' Emergency Motion for Interim and Final Orders Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, 364, 503 and 507 (I) Authorizing the Debtors to Obtain Senior Secured Superpriority Postpetition Financing; (II) Granting (A) Liens and Superpriority Administrative Expense Claims and (B) Adequate Protection to Certain Prepetition Bondholders; (III) Authorizing Use of Cash Collateral; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief ([D.I. 11](#), filed 9/11/24).

Status: This matter is going forward.

#### **MATTER NOT GOING FORWARD**

10. Debtors' Motion for (I) an Order Pursuant to Sections 105, 363, 364, 365 and 541 of the Bankruptcy Code, Bankruptcy Rules 2002, 6004, 6006 and 9007 and Del. Bankr. L.R. 2002-1 and 6004-1 (A) Approving Bidding Procedures for the Sale of Substantially all of the Debtors' Assets; (B) Approving the Debtors' Entry into Stalking Horse Agreement and Related Bid Protections (C) Approving Procedures for the Assumption and Assignment or Rejection of Designated Executory Contracts and Unexpired Leases; (D) Scheduling an Auction and Sale Hearing; (E) Approving Forms and Manner of Notice of Respective Dates, Times, and Places in Connection Therewith; and (F) Granting Related Relief; (II) an Order (A) Approving the Sale of the Debtors' Assets Free and Clear of Claims, Liens, and Encumbrances; and (B) Approving the Assumption and Assignment of Designated Executory Contracts and Unexpired Leases; and (III) Certain Related Relief ([D.I. 12](#), filed 9/11/24).

**Status: This matter is not going forward. This matter will be heard at a later date and time.**

Dated: September 11, 2024  
Wilmington, Delaware

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*Proposed Counsel for the Debtors and Debtors in  
Possession*

**Exhibit A**

<b>Debtor</b>	<b>Case No.</b>
Fulcrum Sierra BioFuels, LLC	<a href="#">24-12006</a> (TMH)
Fulcrum Sierra Finance Company, LLC	<a href="#">24-12007</a> (TMH)
Fulcrum BioEnergy, Inc.	<a href="#">24-12008</a> (TMH)
Fulcrum Sierra Holdings, LLC	<a href="#">24-12009</a> (TMH)