

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

In re

Lordstown Motors Corp., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

**Re: D.I. 7, 56, 65**

**CERTIFICATION OF COUNSEL REGARDING “FINAL ORDER (A) AUTHORIZING, BUT NOT DIRECTING, THE DEBTORS TO (I) WAIVE REQUIREMENTS TO FILE A LIST OF, AND PROVIDE NOTICE TO, ALL EQUITY HOLDERS, (II) REDACT CERTAIN PERSONAL IDENTIFICATION INFORMATION FOR INDIVIDUAL CREDITORS, AND (B) GRANTING OTHER RELATED RELIEF”**

The undersigned hereby certifies as follows:

1. On June 27, 2023, the debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”), filed the *Debtors’ Motion for Entry of Interim and Final Orders (A) Authorizing, But Not Directing, the Debtors to (I) Waive Requirements to File a List of, and Provide Notice to, All Equity Holders, (II) Redact Certain Personal Identification Information for Individual Creditors, and (B) Granting Other Related Relief* [D.I. 7] (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3<sup>rd</sup> Floor, Wilmington, Delaware 19801 (the “**Bankruptcy Court**”).

2. Following an initial hearing to consider the Motion (the “**First Day Hearing**”), on June 28, 2023, the Bankruptcy Court entered the *Interim Order (A) Authorizing But Not Directing, the Debtors to (I) Waive Requirements To File A List of, and Provide Notice To, All*

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<sup>1</sup> The 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 Debtors’ service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.



*Equity Holders, (II) Redact Certain Personal Identification Information For Individual Creditors, and (B) Granting Other Related Relief* [D.I. 56].

3. Pursuant to the *Notice of Entry of “Interim Order (A) Authorizing, But Not Directing, the Debtors to (I) Waive Requirements to File a List of, and Provide Notice to, All Equity Holders and (II) Redact Certain Personal Identification Information for Individual Creditors and (B) Granting Other Related Relief” and Final Hearing Thereon*, dated June 28, 2023 [D.I. 65] (the “**Notice of Entry of Interim Order**”), responses to the final relief requested in connection with the Motion were to be filed no later than 4:00 p.m. (Eastern Daylight Time) on July 20, 2023 (the “**Objection Deadline**”<sup>2</sup>). A hearing to consider the final relief requested in connection with the Motion is currently scheduled to take place before the Bankruptcy Court on July 27, 2023 starting at 9:30 a.m. (Eastern Daylight Time).

4. In order to address the concerns of the Bankruptcy Court raised on the record of the First Day Hearing (*see generally* Transcript of Record at pp. 39-40, *In re: Lordstown Motors Corp., et al.*, Case No. 23-10831 (MFW) (Bankr. D. Del. June 27, 2023)), the Debtors have prepared a revised form of proposed final order in connection with the Motion (the “**Revised Final Order**”). A copy of the Revised Final Order is attached hereto as **Exhibit A**. A redline of the Revised Final Order marked against the form of final order filed along with the Motion is attached hereto as **Exhibit B**.

5. The Debtors have not received any responses or objections in connection with the Motion, nor do any objections thereto appear on the Bankruptcy Court’s docket in the Debtors’ chapter 11 cases.

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<sup>2</sup> The Debtors agreed to extend the Objection Deadline for the Official Committee of Unsecured Creditors (the “**Creditors’ Committee**”) only until 11:00 a.m. (Eastern Daylight Time) on July 24, 2023. The Creditors’ Committee did not file an objection to the final relief requested in connection with the Motion by the Objection Deadline, as extended for it.

6. The Revised Final Order has been circulated to (i) the Debtors; (ii) the Office of the United States Trustee for the District of Delaware; and (iii) proposed counsel to the Creditors' Committee, and each of the parties to whom the Revised Final Order was circulated has indicated that it has no objection to the entry of the Revised Final Order.

7. The Debtors therefore respectfully request that the Bankruptcy Court enter the Revised Final Order, substantially in the form attached hereto as **Exhibit A**, at its earliest convenience.

*[Remainder of page intentionally left blank.]*

Dated: July 24, 2023

Respectfully submitted,

/s/ Jason M. Madron

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*Proposed Co-Counsel to Debtors and  
Debtors in Possession*

**Exhibit A**

**Revised Proposed Final Order**

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

In re

Lordstown Motors Corp., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

**Re: Docket No. 7**

**FINAL ORDER (A) AUTHORIZING, BUT NOT DIRECTING, THE DEBTORS TO  
(I) WAIVE REQUIREMENTS TO FILE A LIST OF, AND PROVIDE NOTICE TO,  
ALL EQUITY HOLDERS, (II) REDACT CERTAIN PERSONAL IDENTIFICATION  
INFORMATION FOR INDIVIDUAL CREDITORS, AND (B) GRANTING OTHER  
RELATED RELIEF**

Upon the motion (the “**Motion**”)<sup>2</sup> of the Debtors for entry of an order (this “**Order**”)  
(a) authorizing the Debtors to (i) waive the requirement to file the LMC Equity List and modify  
equity holder notice requirements for the LMC Equity Holders, (ii) redact certain personal  
identification information for individual creditors, and (b) granting related relief; and the Court  
having found that it has jurisdiction to consider the Motion and the relief requested therein in  
accordance with 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.);  
and consideration of the Motion 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, sufficient, and proper notice of the Motion having been provided under the  
circumstances and in accordance with the Bankruptcy Rules and the Local Rules, and it appearing

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

that no other or further notice need be provided; and a hearing having been held to consider the relief requested in the Motion (the “**Hearing**”); and upon the record of the Hearing; and upon consideration of the First Day Declaration; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors, their estates, their creditors, their stakeholders, and all other parties-in-interest, and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The requirement under Bankruptcy Rule 1007(a)(3) to file the LMC Equity List is waived.
3. The requirement under Bankruptcy Rule 2002(d) to provide notice of the orders for relief or commencement of the Chapter 11 Cases to all of the LMC Equity Holders is modified as set forth herein. The Debtors shall (i) publish the notice of commencement on the Debtors’ case website located at <http://kccllc.net/lordstown>; (ii) file a Form 8-K with the SEC within four (4) business days following the Petition Date, notifying their investors and other parties of the commencement of the Chapter 11 Cases, as well any other filings with the SEC, as necessary, and other public announcements and (iii) serve by first class mail, the notice of case commencement and all notices in the Chapter 11 Cases required under Bankruptcy Rule 2002(d) on all known registered holders of LMC common stock and preferred stock. All registered holders of LMC common stock and preferred stock, as applicable, served with any notices in these Chapter 11 Cases shall be required to serve such notices on any holder for whose benefit such registered holder holds down the chain of ownership for all such holders of LMC common stock or preferred stock.

4. The Debtors are authorized to redact on the Creditor Matrix, Schedules and Statements, or other documents filed with this Court, the home addresses of all individual creditors; *provided, however*, that the Claims and Noticing Agent shall maintain the unredacted versions of such documents on a confidential basis and the Debtors or the Claims and Noticing Agent shall submit an unredacted version of the Creditor Matrix, Schedules and Statements, or any other filings redacted pursuant to this Order to the Clerk's Office and, upon request, to the U.S. Trustee, this Court, counsel to an official committee of unsecured creditors appointed in these Chapter 11 Cases (if any), and any party in interest upon a request to the Debtors or the Court for information that is reasonably related to these Chapter 11 Cases.

5. When serving any notice in these Chapter 11 Cases on individual creditors, the Debtors' Claims and Noticing Agent shall use such individual creditor's home address.

6. To the extent a party in interest files a document on the docket in these Chapter 11 Cases that is required to be served on creditors whose information has been withheld or omitted pursuant to this Order, such party in interest should contact counsel for the Debtors who shall work in good faith, with the assistance of their Claims and Noticing Agent, to effectuate the service on such party's behalf.

7. The Debtors are authorized to take and perform all actions necessary to implement and effectuate the relief granted in this Order.

8. Notwithstanding any Bankruptcy Rule or Local Rule to the contrary, this Order shall be effective immediately upon entry.

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

**Exhibit B**

**Redline of Revised Proposed Final Order**

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

In re

Lordstown Motors Corp., *et al.*,<sup>1</sup>

Debtors.

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the United States District Court for the District of Delaware, dated February 29, 2012 (Sleet,  
C.J.); and consideration of the Motion 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, sufficient, and proper notice of the Motion having been provided  
under the circumstances and in accordance with the Bankruptcy Rules and the Local Rules, and

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

it appearing that no other or further notice need be provided; and a hearing having been held to consider the relief requested in the Motion (the “**Hearing**”); and upon the record of the Hearing; and upon consideration of the First Day Declaration; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors, their estates, their creditors, their stakeholders, and all other parties-in-interest, and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. ~~1.~~ The requirement under Bankruptcy Rule 1007(a)(3) to file the LMC Equity List is waived.

3. ~~2.~~ The requirement under Bankruptcy Rule 2002(d) to provide notice of the orders for relief or commencement of the Chapter 11 Cases to all of the LMC Equity Holders is ~~waived~~ modified as set forth herein. The Debtors shall (i) publish the notice of commencement on the Debtors’ case website located at <http://kcc11c.net/lordstown>; (ii) file a Form 8-K with the SEC within four (4) business days following the Petition Date, notifying their investors and other parties of the commencement of the Chapter 11 Cases, as well any other filings with the SEC, as necessary, and other public announcements; ~~and~~ (iii) ~~include~~ serve by first class mail, the notice of case commencement ~~in the debtors’ proposed noticing program and all notices in the Chapter 11 Cases required under Bankruptcy Rule 2002(d) on all known registered holders of LMC common stock and preferred stock. All registered holders of LMC common stock and preferred stock, as applicable, served with any notices in these Chapter 11 Cases shall be required to serve~~

such notices on any holder for whose benefit such registered holder holds down the chain of ownership for all such holders of LMC common stock or preferred stock.

4. ~~3.~~The Debtors are authorized to redact on the Creditor Matrix, Schedules and Statements, or other documents filed with this Court, the home addresses of all individual creditors; *provided, however,* that the Claims and Noticing Agent shall maintain the unredacted versions of such documents on a confidential basis and the Debtors or the Claims and Noticing Agent shall submit an unredacted version of the Creditor Matrix, Schedules and Statements, or any other filings redacted pursuant to this Order to the Clerk's Office and, upon request, to the U.S. Trustee, this Court, counsel to an official committee of unsecured creditors appointed in these Chapter 11 Cases (if any), and any party in interest upon a request to the Debtors or the Court for information that is reasonably related to these Chapter 11 Cases.

5. ~~4.~~When serving any notice in these Chapter 11 Cases on individual creditors, the Debtors' Claims and Noticing Agent shall use such individual creditor's home address.

6. ~~5.~~To the extent a party in interest files a document on the docket in these Chapter 11 Cases that is required to be served on creditors whose information has been withheld or omitted pursuant to this Order, such party in interest should contact counsel for the Debtors who shall work in good faith, with the assistance of their Claims and Noticing Agent, to effectuate the service on such party's behalf.

7. ~~6.~~The Debtors are authorized to take and perform all actions necessary to implement and effectuate the relief granted in this Order.

8. ~~7.~~Notwithstanding any Bankruptcy Rule or Local Rule to the contrary, this Order shall be effective immediately upon entry.

9. ~~8.~~ This Court retains jurisdiction with respect to all matters arising from or related to the enforcement of this Order.