

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	
	)	Chapter 11
Lordstown Motors Corp., <i>et al.</i> , <sup>1</sup>	)	
	)	Case No. 23-10831 (MFW)
Debtors.	)	
	)	(Jointly Administered)
	)	
	)	

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON OCTOBER 5, 2023 AT 10:30 A.M. (EDT)**

**THE REMOTE HEARING WILL BE CONDUCTED ENTIRELY BY ZOOM AND REQUIRES ALL PARTICIPANTS TO REGISTER IN ADVANCE. COURTCALL WILL NOT BE USED TO DIAL IN.**

**PLEASE USE THE FOLLOWING LINK TO REGISTER FOR THE HEARING:**

[https://debuscourts.zoomgov.com/meeting/register/vJIsfu2gqz8tGYVDdVhWqdL3\\_zZ8WM7gdKk](https://debuscourts.zoomgov.com/meeting/register/vJIsfu2gqz8tGYVDdVhWqdL3_zZ8WM7gdKk)

**ONCE REGISTERED, PARTIES WILL RECEIVE A CONFIRMATION EMAIL CONTAINING PERSONAL LOG-IN INFORMATION FOR THE HEARING.**

**I. RESOLVED MATTER:**

1. Edward Hightower and Adam Kroll’s Motion for Relief from the Automatic Stay, to the Extent Applicable, to Permit Payment, Reimbursable and/or Advancement of Defense Costs and Fees, and Related Expenses, Under Directors and Officers Insurance Policies [[Docket No. 437](#); filed September 19, 2023]

Response/Objection Deadline: September 28, 2023 at 4:00 p.m. (EDT)

Responses/Objections Received: None

Related Documents:

- i. Certificate of No Objection Regarding Edward Hightower and Adam Kroll’s Motion for Relief from the Automatic Stay, to the Extent Applicable, to Permit Payment, Reimbursement and/or Advancement of

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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.



Defense Costs and Fees, and Related Expenses, Under Directors and Officers Insurance Policies [[Docket No. 487](#); filed September 29, 2023]

- ii. Order Granting Relief from the Automatic Stay, to the Extent Applicable, to Permit Payment, Reimbursement and/or Advancement of Defense Costs and Fees and Related Expenses to Edward Hightower and Adam Kroll Under Directors and Officers Insurance Policies [[Docket No. 495](#); entered October 2, 2023]

Status: On October 2, 2023, the Court entered an order in connection with this matter. Accordingly, a hearing with respect to this matter is no longer necessary.

## **II. MATTER FILED UNDER A CERTIFICATION OF COUNSEL:**

2. Motion of Official Committee of Equity Security Holders for Entry of an Order Permitting Securities Trading Upon Establishment of a Screening Wall [[Docket No. 435](#); filed September 19, 2023]

Response/Objection Deadline: September 28, 2023 at 4:00 p.m. (EDT)

Responses/Objections Received: None

Related Documents:

- i. Certification of Counsel Regarding Motion of Official Committee of Equity Security Holders for Entry of an Order Permitting Securities Trading upon Establishment of a Screening Wall [[Docket No. 497](#); filed October 2, 2023]

Status: On October 2, 2023, the Official Committee of Equity Security Holders filed a revised form of order under certification of counsel in connection with this matter. Accordingly, a hearing with respect to this matter is only required to the extent that then Court has any questions.

## **III. CONTESTED MATTER GOING FORWARD:**

3. Debtors' Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date [[Docket No. 89](#); filed July 6, 2023] (the "Application")

Response/Objection Deadline: July 20, 2023 at 4:00 p.m. (EDT); extended through and including August 18, 2023 for the Office of the United States Trustee for the District of Delaware (the "U.S. Trustee"); extended by agreement for the Official Committee of Unsecured Creditors (the "Creditors' Committee")

Responses/Objections Received:

A. Informal comments from the Creditors' Committee

Status: The informal response of the Creditors' Committee is resolved based upon the inclusion of agreed language in a revised form of order granting the Application.

B. Objection of the United States Trustee to Debtors' Application to Employ Richards, Layton & Finger, P.A. [[Docket No. 267](#); filed August 18, 2023]

Status: The U.S. Trustee's objection is unresolved and will go forward on a contested basis.

Related Documents:

- i. Supplemental Declaration of Kevin Gross in Support of Debtors' Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date [[Docket No. 223](#); filed August 3, 2023]
- ii. Second Supplemental Declaration of Kevin Gross in Support of Debtors' Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date [[Docket No. 244](#); filed August 12, 2023]
- iii. Debtors' Reply in Support of Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date [[Docket No. 460](#); filed September 21, 2023]
- iv. Re-Notice of "Debtors' Application to Retain and Employ Richards, Layton & Finger, P.A. as Co-Counsel Effective as of the Petition Date" and Hearing Thereon [[Docket No. 461](#); filed September 21, 2023]

Witness Information:

*Debtors' Witnesses:*

- i. The Honorable Kevin Gross (Ret.), Of Counsel at Richards, Layton & Finger, P.A., Wilmington, Delaware
- ii. Melissa Leonard, Executive Vice President, General Counsel & Secretary of the Debtors, Lordstown, Ohio

Status: The hearing on this matter will go forward on a contested basis. The U.S. Trustee has agreed to the admission of the declarations of Kevin Gross and Melissa Leonard subject to reservation of the right to cross-examine on any additional direct testimony. The Debtors and U.S. Trustee intend to file a joint exhibit list in advance of the hearing.

Dated: October 3, 2023

Respectfully submitted,

/s/ Jason M. Madron

**RICHARDS, LAYTON & FINGER, P.A.**

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Daniel J. DeFranceschi (No. 2732)  
Paul N. Heath (No. 3704)  
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