

**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)

**Objection Deadline: May 1, 2024 at 4:00 p.m. (ET)**  
**Hearing Date: May 8, 2024 at 10:30 a.m. (ET)**

**DEBTORS' MOTION FOR ENTRY OF AN  
ORDER CHANGING THE CASE CAPTION**

The debtors (collectively, the “**Debtors**,” and after the Effective Date (defined below), the “**Post-Effective Date Debtors**”) in the above-captioned cases hereby file this motion (the “**Motion**”), pursuant to Section 105(a) of Title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”), Rule 1005 of the Federal Rules of Bankruptcy Procedures (the “**Bankruptcy Rules**”), and Rule 9004-1(a) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), changing the existing/above caption of Lordstown Motors’ Corp.’s chapter 11 case, under which the Debtors’ chapter 11 cases are jointly administered. In support of this Motion, the Debtors respectfully state as follows:

**JURISDICTION, VENUE AND PREDICATES FOR RELIEF**

1. This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference*, dated February 29, 2012 (Sleet, C.J.). This

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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.



is a core proceeding under 28 U.S.C. § 157(b)(2). Venue of these Chapter 11 Cases (as defined below) and this Motion is proper in this District under 28 U.S.C. §§ 1408 and 1409.

2. The predicates for the relief requested by this Motion are sections 105(a) of the Bankruptcy Code, Bankruptcy Rule 1005, and Local Rule 9004-1.

3. Pursuant to rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the Local Rules, the Debtors consent to the entry of a final judgment or order with respect to this Motion 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**”), the Debtors commenced these chapter 11 cases in the United States Bankruptcy Court for the District of Delaware (the “**Bankruptcy Court**”), which are being jointly administered for procedural purposes only pursuant to Bankruptcy Rule 1015(b).

5. On March 6, 2024, the Bankruptcy Court entered an order [Docket No.1069] (the “**Confirmation Order**”) confirming the *Third Modified First Amended Joint Chapter 11 Plan of Lordstown Motors Corp. and Its Affiliated Debtors* [Docket No. 1066] (the “**Plan**”).<sup>2</sup>

6. On March 14, 2024 (the “**Effective Date**”), the Plan became effective pursuant to its terms. *See* Docket No. 1096.

7. On the Effective Date, pursuant to the New Organizational Documents (as defined in the Plan), Lordstown Motors Cop. changed its name, under Delaware law, to Nu Ride Inc.

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<sup>2</sup> Capitalized terms used in this Motion but not otherwise defined shall have the same meaning as in the Plan, unless the context otherwise requires.

**RELIEF REQUESTED**

8. By this Motion, the Post-Effective Date Debtors request that the caption for Lordstown Motors Corp.’s chapter 11 case, under which the Post-Effective Date Debtors’ chapter 11 cases are jointly administered, be changed to reflect Lordstown Motors Corp.’s name change as follows:

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

In re

Nu Ride Inc., *et al.*,<sup>FN</sup>

Reorganized Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

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<sup>FN</sup> 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.

9. Further, the Post-Effective Date Debtors request that the Court authorize the Clerk of the United States Bankruptcy Court for the District of Delaware and other relevant parties to take whatever actions necessary to update the ECF filing system and their respective records to reflect the above caption change, including the insertion of a docket entry in Lordstown Motors Corp.’s chapter 11 case as follows:

An order has been entered in this case directing that the caption of this case be changed in accordance with the corporate name change of Lordstown Motors Corp. to Nu Ride Inc.

**BASIS FOR RELIEF**

10. Pursuant to the Plan and Confirmation Order, the New Board and management have been appointed and assumed their roles in leadership of the Post-Effective Date Debtors. Pursuant to the New Organizational Documents, which have been adopted by the Board and filed with the Secretary of State of Delaware, Lordstown Motors Corp. changed its name to Nu Ride Inc.

11. Bankruptcy Rule 1005 and Local Rule 9004-1 set forth the information required to be contained in the caption of all filings in this Court, which includes the names of the Debtors. Thus, given Lordstown Motors Corp.'s name change, these rules require that the case caption be changed as well. Pursuant to Local Rule 9004-1(c), a case caption may only be changed by separate motion and order.

12. Further, Section 105(a) of the Bankruptcy Code provides a bankruptcy court with broad powers in the administration of a case under Title 11. Section 105(a) of the Bankruptcy Code provides that “[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title” and further that “no provision of this title shall be construed to preclude the court from . . . taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules.” 11 U.S.C. § 105(a). *See, e.g., Law v. Siegel*, 134 S. Ct. 1188 (2014); *Adelphia Bus. Solutions, Inc. v. Abnos*, 482 F.3d 602, 609 (2d Cir. 2007) (recognizing a bankruptcy court’s broad discretion pursuant to Section 105(a) to do what is necessary to meet the circumstances of a case).

13. Entry of the Proposed Order is necessary and appropriate to the administration of these Chapter 11 Cases, as it allows the caption for these cases to accurately reflect the name of the lead Post-Effective Date Debtor, as is required under the Bankruptcy Rules and Local Rules.

**NOTICE**

14. Pursuant to paragraph 100 of the Confirmation Order, notice of this Motion has been provided to the following parties, or, in lieu thereof, their counsel: (i) the U.S. Trustee; (ii) any party that has filed a renewed request after the Effective Date to receive documents pursuant to Bankruptcy Rule 2002, (iii) the official committees appointed, and not yet dissolved, in these chapter 11 cases, (iv) Foxconn, and (v) Ohio Class Counsel. The Post-Effective Date Debtors submit that, in view of the facts and circumstances, such notice is sufficient and no other or further notice need be provided.

**CONCLUSION**

WHEREFORE, for the reasons set forth herein, the Post-Effective Date Debtors respectfully request that the Court grant the relief requested in this Motion and the Proposed Order, and such other and further relief as is just and proper.

Dated: April 17, 2024

**MORRIS JAMES LLP**

/s/ Eric J. Monzo

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**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)

**Objection Deadline: May 1, 2024 at 4:00 p.m. (ET)**  
**Hearing Date: May 8, 2024 at 10:30 a.m. (ET)**

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that on April 17, 2024, the debtors (collectively, the “**Debtors**,” and after the Effective Date, the “**Post-Effective Date Debtors**”) in the above-captioned cases filed *Debtors’ Motion for Entry of an Order Changing the Case Caption* (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Bankruptcy Court**”).

**PLEASE TAKE FURTHER NOTICE** that objections or responses, if any, to the relief requested in the Motion must be in writing and be filed with the Bankruptcy Court on or before **May 1, 2024 at 4:00 p.m. (ET)** (the “**Objection Deadline**”) and shall be served on: (a) the undersigned co-counsel to the Post-Effective Date Debtors; and (b) the Office of the United States Trustee, 844 King Street, Suite 2207, Wilmington, DE 19801 (Attn: Benjamin Hackman, Esq.).

**PLEASE TAKE FURTHER NOTICE** that, in any objections or responses to the Motion are received, a hearing on the Motion will be held on **May 8, 2024 at 10:30 a.m. (ET)** (the “**Hearing Date**”) before the Honorable Mary F. Walrath, United States Bankruptcy Judge for the District of Delaware, at the Bankruptcy Court, 824 N. Market Street, 5th Floor, Courtroom No. 4, Wilmington, Delaware 19801.

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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.

**PLEASE TAKE FURTHER NOTICE THAT IF NO OBJECTIONS OR RESPONSES TO THE MOTION ARE TIMELY FILED IN ACCORDANCE WITH THIS NOTICE, THE BANKRUPTCY COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.**

Dated: April 17, 2024

**MORRIS JAMES LLP**

/s/ Eric J. Monzo

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**EXHIBIT A**

**Proposed 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. \_\_\_\_

**ORDER CHANGING THE CASE CAPTION**

Upon the motion (the “**Motion**”)<sup>2</sup> of the Post-Effective Date Debtors for entry of an order (this “**Order**”) pursuant Section 105(a) of the Bankruptcy Code, Bankruptcy Rule 1005, and Local Rule 9004-1, changing the existing/current caption of Lordstown Motors Corp.’s chapter 11 case, under which these chapter 11 cases are jointly administered; 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*, 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)(2); 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 that no other or further notice need be provided; and a hearing having been held, if necessary, to consider the relief requested in the Motion (the “**Hearing**”); and the record of the Hearing, if any, and all of the proceedings had before the Court; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Post-Effective Date

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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.

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

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 jointly administered caption for the Chapter 11 Cases shall hereafter read as follows:

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

In re

Nu Ride Inc., *et al.*,<sup>FN</sup>

Reorganized Debtors.

Chapter 11

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3. The Clerk of the United States Bankruptcy Court for the District of Delaware and other relevant parties are authorized to take whatever actions are necessary to update the ECF filing system and their respective records to reflect the above caption change, including the insertion of a docket entry in Lordstown Motors Corp.'s chapter 11 case as follows:

An order has been entered in this case directing that the caption of this case be changed in accordance with the corporate name change of Lordstown Motors Corp. to Nu Ride Inc.

4. The Post-Effective Date Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

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