

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

Lordstown Motors Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Lordstown Motors Corp., *et al.*,

Plaintiffs,

v.

ATRI AMIN and BENJAMIN HEBERT, on behalf
of themselves and similarly situated stockholders of
Lordstown Motors Corp. (f/k/a DiamondPeak
Holdings Corp.),

Defendants.

Adv. Pro. No. 23-50428 (MFW)

**NOTICE OF *AMENDED*² AGENDA OF MATTERS SCHEDULED FOR
HEARING ON AUGUST 3, 2023 AT 2:00 P.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/vJltc-6opj0pH7h9DmoEE3l4GVza4Wkd-Wk>

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

¹ 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.

² Amended agenda items appear in bold.



I. CONTESTED MAIN CASE MATTER GOING FORWARD:

1. Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related Relief [[Docket No. 16](#); filed June 27, 2023]

Response/Objection Deadline: July 20, 2023 at 4:00 p.m. (EDT); extended to July 24, 2023 at 11:00 a.m. (EDT) for the Creditors' Committee

Responses/Objections Received:

- A. Objection to Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related Relief filed by Karma Automotive LLC [[Docket No. 127](#); filed July 20, 2023]
- B. Informal comments from the U.S. Trustee
- C. Informal comments from the Creditors' Committee
- D. Informal comments from Cigna Health and Life Insurance Company

Related Documents:

- i. Notice of "Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related Relief" [D.I. 16] and Hearing Thereon [[Docket No. 73](#); filed June 28, 2023]
- ii. Reply in Support of the Debtors' Motion for Entry of an Order (I) (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief; and (II) (A) Authorizing the Debtors to Enter into a Definitive Purchase Agreement and (B) Granting Other Related Relief [[Docket No. 154](#); filed July 24, 2023]

- iii. Declaration of Adam Kroll in Support of the Debtors' (I) Reply in Support of the Bidding Procedures Motion and (II) Reply in Support of the Estimation Motion [[Docket No. 156](#); filed July 24, 2023]
- iv. Declaration of Jeffrey Finger in Support of the Debtors' (I) Reply in Support of the Bidding Procedures Motion and (II) Reply in Support of the Estimation Motion [[Docket No. 157](#); filed July 24, 2023]
- v. Debtors' Motion for Leave to File Debtors' (A) Bidding Procedures Motion Reply and (B) Estimation Motion Reply [[Docket No. 158](#); filed July 24, 2023]
- vi. Notice of Filing of Revised Proposed Order (A) Establishing Bidding and Auction Procedures, (B) Scheduling Certain Dates with Respect Thereto, (C) Approving the Form and Manner of Notice Thereof, (D) Approving Contract Assumption and Assignment Procedures, and (E) Granting Other Related Relief [[Docket No. 159](#); filed July 24, 2023] (the "Notice of Filing")
- vii. Declaration of Adam Kroll in Support of Debtors' Chapter 11 Petitions and First Day Motions [[Docket No. 15](#); filed June 27, 2023]
- viii. Karma Automotive LLC's Witness List and Exhibit List for Hearing [[Docket No. 172](#); filed July 25, 2023]

Status: Consistent with the record of the July 27, 2023 hearing, the continued hearing on this matter will go forward. *See generally* Transcript of Record at pp. 93-95, *In re: Lordstown Motors Corp., et al.*, Case No. 23-10831 (MFW) (Bankr. D. Del. July 27, 2023).

II. CONTESTED ADVERSARY MATTER GOING FORWARD:

- 2. Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105, and Request for Hearing Date [[Adv. Docket No. 2](#); filed July 5, 2023]

Response/Objection Deadline: July 19, 2023

Related Documents:

- i. Complaint for Injunctive Relief [[Docket No. 85](#) / [Adv. Docket No. 1](#); filed July 5, 2023]
- ii. Declaration of David M. Turetsky in Support of the Debtors' Motion for Injunctive Relief (Sealed) [[Adv. Docket No. 3](#); filed July 5, 2023]
- iii. Declaration of David M. Turetsky in Support of the Debtors' Motion for Injunctive Relief (Redacted) [[Adv. Docket No. 4](#); filed July 5, 2023]

- iv. Declaration of Adam Kroll in Support of the Debtors' Motion for Preliminary Injunctive Relief [[Adv. Docket No. 5](#); filed July 5, 2023]
- v. Brief in Support of the Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105, and Request for Hearing Date [[Adv. Docket No. 6](#); filed July 5, 2023]
- vi. Debtors' Motion to File Under Seal Certain Exhibits to the Declaration of David M. Turetsky in Support of the Debtors' Motion for Injunctive Relief [[Adv. Docket No. 9](#); filed July 10, 2023]
- vii. Notice of Hearing [[Adv. Docket No. 11](#); filed July 14, 2023]
- viii. Notice of Deposition of Adam Kroll [[Adv. Docket No. 13](#); filed July 18, 2023]
- ix. Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 [[Adv. Docket No. 14](#); filed July 19, 2023]
- x. Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Redacted) [[Adv. Docket No. 15](#); filed July 19, 2023]
- xi. Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Sealed) [Adv. Docket No. 16; filed July 24, 2023]
- xii. Defendants' Motion to File Under Seal Certain Exhibits to the Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and Injunctive Relief [[Adv. Docket No. 17](#); filed July 24, 2023]
- xiii. Debtors' Reply in Support of the Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 [[Adv. Docket No. 18](#); filed July 26, 2023]
- xiv. **Supplemental Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Sealed)** [Adv. Docket No. 22; filed August 1, 2023]
- xv. **Supplemental Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Redacted)** [[Adv. Docket No. 23](#); filed August 1, 2023]

- xvi. **Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Redacted) [[Adv. Docket No. 24](#); filed August 2, 2023]**
- xvii. **Supplemental Declaration of Ankita Sangwan in Support of Defendants' Brief in Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105 (Redacted) [[Adv. Docket No. 25](#); filed August 2, 2023]**

Witness Information:

Plaintiffs' Witness:

- i. Adam Kroll, Executive Vice President and Chief Financial Officer of Lordstown Motors, Farmington Hills, Michigan

Defendants' Witness:

- i. **Ankita Sangwan, Associate at the law firm of Pomerantz LLP, New York, New York**

Status: The hearing in this matter will go forward on a contested basis.

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Dated: August 2, 2023

Respectfully submitted,

/s/ Jason M. Madron

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