

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re	Chapter 11
Lordstown Motors Corp., <i>et al.</i> , ¹	Case No. 23-10831 (MFW)
Debtors.	(Jointly Administered)
Lordstown Motors Corp., <i>et al.</i> ,	Adv. Pro. No. 23-50428 (MFW)
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.	

**CERTIFICATE OF COUNSEL REGARDING
ORDER DENYING DEBTORS' MOTION TO EXTEND THE
AUTOMATIC STAY AND INJUNCTIVE RELIEF PURSUANT TO 11 U.S.C. § 105**

The undersigned hereby certifies as follows:

1. On July 5, 2023, the above-captioned debtors and debtors-in-possession (the “Debtors” or the “Plaintiffs”) filed 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. D.I. 2) (the “Motion”).

2. On July 19, 2023, the above-captioned Defendants Benjamin Hebert (“Hebert”) and Atri Amin (“Amin” and together with Hebert, the “Defendants”) filed the *Defendants' Brief in*

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.



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Response and Opposition to Debtors' Motion to Extend the Automatic Stay and for Injunctive Relief Pursuant to 11 U.S.C. § 105, and Request for Hearing Date (Adv. D.I. 14).

3. On July 26, 2023 the Debtors' filed the *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. D.I. 18).

4. At the hearing on the Motion held on August 3, 2023, the Court denied the Motion for reasons stated on the record.

5. Counsel for the Defendants and the Plaintiff have conferred and agree on the form of order to be submitted (the "Proposed Order").

WHEREFORE, the Defendants respectfully requests that the Court enter the Proposed Order attached hereto as **Exhibit A** at its earliest convenience.

Dated: August 15, 2023
Wilmington, Delaware

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*Counsel to Benjamin Hebert and Atri
themselves and similarly situated stockholders of Lordstown
Motors Corp. f/k/a DiamondPeak Holdings Corp.*

EXHIBIT A

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

In re	Chapter 11
Lordstown Motors Corp., <i>et al.</i> , ¹	Case No. 23-10831 (MFW)
Debtors.	(Jointly Administered)
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Lordstown Motors Corp., <i>et al.</i> ,	Adv. Pro. No. 23-50428 (MFW)
Plaintiffs,	Related D.I. 2, 14, & 18
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.	

**ORDER DENYING DEBTORS' MOTION TO EXTEND THE AUTOMATIC STAY AND
INJUNCTIVE RELIEF PURSUANT TO 11 U.S.C. § 105**

Upon consideration 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* (the "Stay Extension Motion")² [D.I. 2]; (ii) 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* [D.I. 14]; (iii) Debtors' *Reply In Support Of The Debtors' Motion To Extend The Automatic Stay And For Injunctive Relief Pursuant To 11 U.S.C. § 105* [D.I. 18]; and (iv) the declarations and other evidence presented by the

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² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Stay Extension Motion.

Debtors and Defendants in support thereof; and this Court having considered the evidence presented and heard the arguments of counsel at a hearing on the Stay Extension Motion on August 3, 2023 (the “Hearing”); the Court finds and concludes as follows:

1. The Court has jurisdiction over this matter pursuant to 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.
2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. Venue of this proceeding and the Stay Extension Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
4. Notice of the Stay Extension Motion was appropriate and no other notice need be provided.

Upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Stay Extension Motion is DENIED for the reasons stated on the record in the Court’s ruling at the Hearing.
2. Defendants in the adversary proceeding are permitted to continue to prosecute the class action pending in the Delaware Court of Chancery captioned *In re Lordstown Motors Corp. Stockholders Litigation*, C.A. No. 2021-1066-LWW (the “Delaware Class Action”) against the defendants in the Delaware Class Action, the five former directors of DiamondPeak Holdings Corp., David Hamamoto, Mark Walsh, Andrew Richardson, Steven Hash, and Judith Hannaway.
3. Defendants in the adversary proceeding are permitted to continue to pursue discovery from Lordstown Motor Corp. (the “Company”) pursuant to the subpoena served on the Company in the Delaware Class Action.

4. This Order shall promptly be filed in the clerk's office and entered into the record.
5. This Court shall retain jurisdiction to enforce and interpret the provisions of this Order.