

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)
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  
APPROVING STIPULATION STAYING THE ADVERSARY PROCEEDING**

The undersigned hereby certifies as follows:

1. The parties in the above-captioned adversary proceeding have agreed to the terms of the *Order Approving Stipulation Staying the Adversary Proceeding*, attached as Exhibit A to the proposed order approving same attached hereto as **Exhibit 1** (the “Order”). The parties request the Court enter the Order at the convenience of the Court without further notice or hearing.

<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.



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Dated: August 28, 2023  
Wilmington, Delaware

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**EXHIBIT 1**

**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)
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Lordstown Motors Corp., <i>et al.</i> ,	Adv. Pro. No. 23-50428 (MFW)
Plaintiffs,	<b>Related D.I.</b>
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 APPROVING STIPULATION  
STAYING THE ADVERSARY PROCEEDING**

Upon the Certification of Counsel and the *Stipulation Staying the Adversary Proceeding* (the “Stipulation”)<sup>2</sup> entered into between the Plaintiffs and the Defendants in the above-captioned adversary proceeding (the “Adversary Proceeding”), a copy of which is attached hereto as **Exhibit A**; and this Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of these Chapter 11 Cases in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that sufficient notice of the Stipulation has been given; and after due deliberation; and

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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> Terms utilized but not otherwise defined herein shall have the meanings ascribed to them in Stipulation.

good and sufficient cause appearing thereof;

IT IS HEREBY ORDERED THAT:

1. The Stipulation is APPROVED.
2. All actions, proceedings, filings, orders, determinations, and discovery between the Parties related to or concerning the Complaint; and any and all deadlines, including but not limited to the Defendants' deadline to answer, move or otherwise respond to the Complaint, and any other requirements in or related to the Adversary Proceeding shall be stayed, unless otherwise agreed to by the Parties or further ordered by the Court.
3. The terms and provisions of the Stipulation shall immediately be effective and enforceable upon entry of this Order.
4. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order and the Stipulation.

**Exhibit A**

**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)
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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.	

**STIPULATION STAYING THE ADVERSARY PROCEEDING**

Lordstown Motors Corp. (“LMC” or the “Company”) and its affiliated debtors in the above-captioned chapter 11 cases, as debtors and debtors in possession (collectively, the “Debtors” or “Plaintiffs”) and the above-captioned defendants, Atri Amin and Benjamin Hebert (collectively, the “Defendants” and, together with the Debtors and Plaintiffs, the “Parties” and, each, a “Party”), hereby stipulate and agree as follows:

**RECITALS**

WHEREAS, on July 5, 2023, the Debtors filed the complaint [D.I. 1] (the “Complaint”) initiating the above-captioned adversary proceeding against the Defendants (the

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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.

“Adversary Proceeding”).

WHEREAS, on the same day, this Court issued a *Summons and Notice of Pretrial Conference in an Adversary Proceeding* establishing a deadline for the filing by the Defendants of an answer or other response to the Complaint.

WHEREAS, on July 6, 2023, the Plaintiffs served the Complaint on the Defendants.

WHEREAS, on August 3, 2023, at a hearing on the Debtors’ *Motion To Extend The Automatic Stay And For Injunctive Relief Pursuant To 11 U.S.C. § 105* (the “Stay Extension Motion”) [D.I. 2], the Court **denied** the Stay Extension Motion for the reasons stated on the record in the Court’s ruling at the Hearing.

WHEREAS, on August 7, 2023, the Parties entered into the *Stipulation to Extend Time for Defendants to Answer or Otherwise Respond to Debtors’ Complaint* [D.I. 32], whereby the Parties agreed to extend the Defendants deadline to answer, move or otherwise respond to the Complaint to September 1, 2023.

WHEREAS, on August 17, 2023, the Court entered the *Order Denying Debtors’ Motion To Extend The Automatic Stay And For Injunctive Relief Pursuant To 11 U.S.C. § 105* [D.I. 34], which states that the Defendants in the Adversary Proceeding are permitted to continue to: (i) 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; and (ii) pursue discovery from the Company pursuant to the subpoena served on the Company in the Delaware Class Action.

WHEREAS, in light of the Court’s ruling on the Stay Extension Motion, the Parties have agreed, as set forth herein, to stay the Adversary Proceeding, unless otherwise agreed to by the Parties or further ordered by the Court (the “Stay”).

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual



promises hereinafter contained, the Parties, intending to be legally bound, hereby stipulate and agree as follows:

1. The Parties agree that (i) all actions, proceedings, filings, orders, determinations, and discovery between the Parties related to or concerning the Complaint; and (ii) any and all deadlines, including but not limited to the Defendants' deadline to answer, move or otherwise respond to the Complaint, and any other requirements in or related to the Adversary Proceeding shall be stayed, unless otherwise agreed to by the Parties or further ordered by the Court.

2. The Stipulation shall become effective and immediately enforceable upon execution by counsel for each of the Parties and entry of any order by the Court approving the Stipulation.

3. The Parties, by and through their undersigned counsel, each represent and warrant that the undersigned is fully authorized and empowered to execute and deliver this Stipulation on behalf of, and to bind, each Party, as applicable, to the terms and conditions of this Stipulation.

4. This Stipulation may be executed in any number of counterparts, and each such counterpart is to be deemed an original for all purposes, but all counterparts shall collectively constitute one agreement. Further, electronic signatures or transmissions of any originally signed document by facsimile or electronic mail shall be as fully binding on the Parties as an original document.

5. The Bankruptcy Court shall have and retain jurisdiction to resolve any disputes or controversies arising from, in connection with, or related to this Stipulation.

6. Notwithstanding the possible application of any Bankruptcy Rule to the contrary, the Order Approving this Stipulation shall be in full force and effective upon its entry.

Dated: August 28, 2023  
Wilmington, Delaware

AGREED IN FORM AND SUBSTANCE BY:

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