

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

*In re*

Lordstown Motors Corp., *et al.*,<sup>1</sup>

Debtors.

Lordstown Motors Corp. and Lordstown EV  
Corporation,

Plaintiffs,

v.

Hon Hai Precision Industry Co., Ltd. (a/k/a  
Hon Hai Technology Group), Foxconn EV  
Technology, Inc., Foxconn Ventures Pte. Ltd.,  
Foxconn (Far East) Limited, and Foxconn EV  
System LLC,

Defendants.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Adv. Pro. No. 23-50414 (MFW)

**Re: A.D.I. 1**

**DEFENDANTS' MOTION TO DISMISS  
ALL COUNTS OF THE ADVERSARY COMPLAINT**

<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) (collectively, the "Debtors"). The Debtors' service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.



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Hon Hai Precision Industry Co., Ltd (a/k/a Hon Hai Technology Group), Foxconn EV Technology, Inc., Foxconn Ventures Pte. Ltd., Foxconn (Far East) Limited, and Foxconn EV System LLC (collectively, “Defendants”), as Defendants in the above-captioned adversary proceeding, by and through their undersigned counsel, respectfully move (this “Motion”) the Court for an order dismissing with prejudice all counts of the Adversary Complaint [A.D.I. 1] (the “Complaint”) filed by Plaintiffs Lordstown Motors Corp. and Lordstown EV Corporation, pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7012, including without limitation on the grounds that the claims are arbitrable. The grounds for this Motion are more fully set forth in *Defendants’ Opening Brief in Support of Their Motion to Dismiss All Counts of the Adversary Complaint* (the “Opening Brief”), filed contemporaneously herewith. Pursuant to Rule 7012-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, the Defendants do not consent, and hereby object, to the entry of final orders or judgments by the Court if it is determined that the Court cannot enter final orders or judgments consistent with Article III of the United States Constitution.

WHEREFORE, Defendants respectfully request that the Court (i) enter the proposed form of order attached hereto as **Exhibit A** dismissing the Complaint in its entirety, and (ii) grant any further relief that may be appropriate.

Dated: September 29, 2023  
Wilmington, Delaware

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**Exhibit A**

**Proposed Order**

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Defendants.

Chapter 11

Case No. 23-10831 (MFW)

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Adv. Pro. No. 23-50414 (MFW)

**ORDER GRANTING DEFENDANTS' MOTION  
TO DISMISS ALL COUNTS OF THE ADVERSARY COMPLAINT**

Upon consideration of *Defendants' Motion to Dismiss All Counts of the Adversary Complaint* (the "Motion") filed by Defendants Hon Hai Precision Industry Co., Ltd (a/k/a Hon Hai Technology Group), Foxconn EV Technology, Inc., Foxconn Ventures Pte. Ltd., Foxconn (Far East) Limited, and Foxconn EV System LLC; the Court having reviewed the Motion, the supporting pleadings, and any responses thereto; and the Court having determined that the legal and factual bases set forth in the Motion and the Opening Brief<sup>1</sup> entitle the Defendants to the relief

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<sup>1</sup> Undefined terms shall have the meanings ascribed to them in the Motion.

granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED that:

1. The Motion is GRANTED.
2. All Counts of the Complaint are hereby dismissed with prejudice.

**CERTIFICATE OF SERVICE**

I, Matthew O. Talmo, certify that I am not less than 18 years of age, and that service of the foregoing was caused to be made on September 29, 2023, via CM/ECF upon those parties registered to receive such electronic notifications and served additionally as indicated below.

Date: September 29, 2023

/s/ Matthew O. Talmo

Matthew O. Talmo (Del. Bar No. 6333)

*VIA ELECTRONIC MAIL*

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