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May 29, 2025

VIA CM/ECF

The Honorable Thomas M. Horan
United States Bankruptcy Judge
824 North Market Street, 3rd Floor
Wilmington, DE 19801

Re: *In re Nikola Corp., et al.*, Case No. 25-10258 (TMH)
Response to the Committee's Rule 2004 Subpoena [Docket No. 502]

Dear Judge Horan:

We are counsel to Trevor Milton ("**Milton**") and respond to the letter dated May 28, 2025 from counsel to the Official Committee of Unsecured Creditors (the "**Committee**") of Nikola Corporation ("**Nikola**") and its affiliated debtors and debtors in possession (collectively, the "**Debtors**") in the above-captioned chapter 11 cases [D.I. 572] (the "**Discovery Dispute Letter**").

As noted in the Discovery Dispute Letter, counsel for the Committee at Morrison Foerster and Morris James had a meet and confer conference yesterday (May 28, 2025) where we expressed concerns as to "subjecting discovery in this case to a protective order entered by the federal District Court of Arizona." Discovery Dispute Letter at p. 3. What counsel to the Committee failed to inform the Court in its Discovery Dispute Letter is that immediately after that conference, undersigned counsel to Milton spoke with Mr. Monzo, counsel to the Committee. During that follow-up meet and confer conference, I proposed to revisions to the Court's Order Approving Confidentiality Agreement and Stipulated Protect Order dated April 11, 2025 [D.I. 393] (the "**Confidentiality Order**") to address the risks associated with potentially "dueling orders." Discovery Dispute Letter at p. 3. Mr. Monzo agreed that additional language might resolve the parties' discovery dispute.

Approximately three hours later, the Committee filed the Discovery Dispute Letter requesting that the Court "overrule [Milton's] objection" to the production of confidential documents by the Debtors, which documents were produced to Debtors subject to the stipulated protective order issued in the District Court of Arizona in the ongoing litigation there. Discovery Dispute Letter at p. 5.

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Accordingly, prior to overruling Milton's objection to the production of confidential documents by the Debtors, Milton respectfully requests that the Court direct the Committee and Milton to meet and confer with regard to revisions to the Confidentiality Order to address the risks associated with potentially "dueling orders." Discovery Dispute Letter at p. 3. In connection with those additional meet and confer conferences, Milton is hopeful that the parties can (a) proposed appropriate revisions to the Confidentiality Order, (b) confirm that any subpoenas issued pursuant to Bankruptcy Rule 2004 will be subject to the procedures and protections of Bankruptcy Rule 9016 and Federal Rule of Civil Procedure 45 incorporated therein, (c) preserve Milton's right to respond and object to discovery requests, and (d) coordinate among each other to the maximum extent possible and avoid duplication and undue burden.

As always, counsel are available at the convenience of the Court should Your Honor have any questions.

Respectfully,

/s/ Scott D. Cousins

Scott D. Cousins, Esquire of
LEWIS BRISBOIS BISGAARD &
SMITH LLP

cc: All counsel of record via ECF