

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

In re:

Nikola Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 25-10258 (TMH)

(Jointly Administered)

Docket Ref No. 562 and 584

**ORDER GRANTING MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS FOR AN ORDER PURSUANT TO BANKRUPTCY RULES 2004 AND
9019 AUTHORIZING THE ISSUANCE OF SUBPOENAS TO TREVOR MILTON FOR
THE PRODUCTION OF DOCUMENTS AND TAKING OF DEPOSITIONS**

Upon consideration of the *Motion of the Official Committee of Unsecured Creditors for an Order Pursuant to Bankruptcy Rules 2004 and 9019 Authorizing the Issuance of Subpoenas to Trevor Milton for the Production of Documents and Taking of Depositions* (the “Motion”) filed by the Committee;² and this Court having found that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334(b) and 157, and the Amended Standing Order of Reference from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that this matter is a core proceeding; and this Court having found that notice of the motion was adequate and no further notice need be given; and the Court

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are: Nikola Corporation (registered to do business in California as Nikola Truck Manufacturing Corporation) (1153); Nikola Properties, LLC (3648); Nikola Subsidiary Corporation (1876); Nikola Motor Company LLC (0139); Nikola Energy Company LLC (0706); Nikola Powersports LLC (6771); Free Form Factory Inc. (2510); Nikola H2 2081 W Placentia Lane LLC (N/A); 4141 E Broadway Road LLC (N/A); and Nikola Desert Logistics LLC (N/A). The Debtors’ mailing address is PO Box 27028, Tempe, AZ 85285.

² Capitalized terms used but not defined here in have the meaning given in the Motion.

having determined that the relief requested in the Motion is appropriate; and good cause appearing therefor,

IT IS HEREBY ORDERED that:

1. The Motion is granted to the extent set forth herein.
2. The Committee is authorized to issue discovery to Trevor Milton and entities affiliated with him.
3. The Committee is authorized to issue subpoenas for deposition testimony and/or documents.
4. The Committee may serve subpoenas on Milton by emailing copies to Milton's counsel of record.
5. By accepting service of the subpoenas by email through counsel, Milton does not waive any rights to respond and object to the discovery requests on the grounds set forth under Federal Rule of Civil Procedure 45, as incorporated by Bankruptcy Rule 9016, except as to service.
6. The following schedule shall govern the *Subpoena for Rule 2004 Examination* previously delivered to Milton's counsel [Docket No. 584-2] (the "Document Subpoena"):
 - a. Milton must respond to the Document Subpoena by June 16, 2025, at 5:00 p.m. (Eastern) setting forth any objections he has to compliance with the Document Subpoena.
 - b. The Committee and Milton must meet and confer on or before June 18, 2025, to attempt to resolve any objections Milton has to complying with the Document Subpoena.
 - c. To the extent that Milton does not object to production, he will immediately begin to produce documents on a rolling basis and, by June 30, 2025, he will produce documents sufficient to identify (i) all the assets that he currently owns or controls that have a value of \$100,000 or more; and (ii) all transfers of assets having a value of \$100,000 or more he has made since July 1, 2021.

7. The Rule 2004 Examination set forth in this Order shall be governed in all respects by this Court's Order Approving Confidentiality Agreement and Stipulated Protective Order [Docket No. 393] (the "Confidentiality Order") as modified in ¶ 8 below.

8. Paragraph 12(a)(v) of the Confidentiality Order is modified, in its entirety, as follows: "v. any non-Party—other than a non-Debtor party to the *Borteanu v. Nikola Corporation et al.*, Docket No. 2:20-cv-01797 (D. Ariz. Sep 15, 2020) action—who has signed a Declaration, in the form provided as Exhibit A hereto."

9. If the Debtors produce a document to the Committee pursuant to the *Subpoena for Rule 2004 Examination* previously served upon Debtors [Docket No. 502-1] (the "Debtors' Subpoena"), Milton does not need to produce identical copies of the same documents.

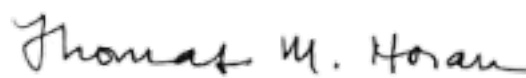
10. Milton's objection to the Debtors complying with the Debtors' Subpoena is withdrawn provided that the Debtors' production pursuant to that subpoena shall be governed by the Confidentiality Order as modified herein.

11. This Order is without prejudice to the rights of the Committee or other parties in interest to seek further discovery, including, but not limited to, additional documents and communications.

12. This Order shall become effective immediately upon its entry notwithstanding anything in the Federal Rules of Bankruptcy Procedure or otherwise.

13. This Court shall retain jurisdiction over any matter related to the Motion and this Order.

Dated: June 10th, 2025
Wilmington, Delaware



THOMAS M. HORAN
UNITED STATES BANKRUPTCY JUDGE