

Exhibit A

From: [Momborquette, David K.](#)
To: [Patchen, Jonathan A.](#)
Cc: [Koulotouros, Tony](#); [Bill Miltner](#); [Garbacz, Justin](#); [Tayer, Madeleine](#)
Subject: RE: GEM v. Mullen
Date: Tuesday, July 30, 2024 4:50:13 PM

***** EXTERNAL EMAIL *****

Jonathan:

Mullen's recent public filings will give you the status of the financing facilities. Mullen is still working through certain of the conditions on the ELOC and therefore has not been able to draw down on that facility yet. Frankly, given the current share price and the terms of the ELOC (which you are well aware of), drawing down on that facility at this point in time would generate very little proceeds to begin with. We are still exploring whether it is feasible to escrow any shares in Mullen. In any event, we have laid out for the District Court the steps that Mullen believes it can take and still remain solvent. If the District Court disagrees, it will let us know.

DAVID K. MOMBORQUETTE
Partner

McDermott Will & Emery LLP One Vanderbilt Avenue, New York, NY 10017-3852
Tel +1 212 547 5490 **Mobile** +1 212 920 1166 **Email** dmomborquette@mwe.com
[Website](#) | [vCard](#) | [Twitter](#) | [LinkedIn](#)

From: Patchen, Jonathan A. <JPatchen@willkie.com>
Sent: Wednesday, July 24, 2024 5:17 PM
To: Momborquette, David K. <Dmomborquette@mwe.com>
Cc: Koulotouros, Tony <Akoulotouros@mwe.com>; Bill Miltner <Bill@miltnerlaw.com>; Garbacz, Justin <JGarbacz@willkie.com>; Tayer, Madeleine <MTayer@willkie.com>
Subject: GEM v. Mullen

[External Email]

David,

Mullen Auto claimed on July 8 that it “desire[d] to ‘rectify its lack of compliance’” with the Court’s Orders and argued that “Mullen Auto should be afforded an opportunity to secure additional financing, escrow a portion of the proceeds that it receives from the sale of securities in connection with the ELOC Transaction, and, if feasible, also escrow shares of Mullen Auto.” ECF 95 at 12. We note that there has been activity as to such additional financing since July 8, 2024, including that the shareholder votes referenced in Mullen Auto’s OSC response (ECF 95 at 11-12) has occurred and that Mullen Auto has already received at least some funds from the financings. *See* Mullen Automotive 8-K (July 12, 2024). Please provide us an update on the steps Mullen Auto has taken to rectify its lack of compliance with Court’s orders regarding the Interim Measures Award.

In particular, please advise as to:

- The total amount of funds received by Mullen Auto to date from the financings referenced in the OSC response, including the Share Purchase Agreement and the Equity Line of Credit.
- The total amount funds, if any, that have been placed in escrow pursuant to the confirmed Interim Measures Award.
- The total amount of funds, if any, that have been otherwise set aside or restricted for deposit in escrow.
- Any other steps taken by Mullen Auto, subsequent to July 8, 2024, to “rectify its lack of compliance.”

Please provide us that update by noon (ET) on Friday, July 26, 2024.

Regards,

Jonathan

Jonathan A. Patchen
Willkie Farr & Gallagher LLP
 333 Bush St | San Francisco, CA 94104
 Direct: [+1 415 858 7594](tel:+14158587594) | Fax: +1 415 858 7599
jpatchen@willkie.com | [vCard](tel:+14158587594) | www.willkie.com bio

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