

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	Chapter 11
	§	
RHODIUM ENCORE LLC, <i>et al.</i> , ¹	§	Case No. 24-90448 (ARP)
	§	
Debtors.	§	(Jointly Administered)
	§	

**THE AD HOC GROUP OF SAFE PARTIES' RESERVATION OF RIGHTS
REGARDING WHINSTONE US, INC.'S AND THE DEBTORS' STATEMENTS ON
THE SCOPE OF THE PHASE 2 HEARING ON DEBTORS' MOTION TO ASSUME**

The Ad Hoc Group of SAFE Parties (the “**Ad Hoc Group**”)² in the above-captioned chapter 11 cases of Rhodium Encore LLC and its affiliated debtors and debtors in possession (collectively, the “**Debtors**”), by and through its undersigned counsel, respectfully submits this reservation of rights (the “**Reservation of Rights**”) regarding (i) *Debtors’ Motion to Assume Certain Executory Contracts with Whinstone US, Inc.* [ECF Nos. 7, 32] (the “**Motion to Assume**”), including (ii) *Whinstone US, Inc.’s Statement on the Scope of the Phase 2 Hearing on Debtors’ Motion to Assume* [Docket No. 641] (the “**Whinstone Statement**”) and (iii) the *Debtors’ Response and Counter-Statement on the Scope of the Phase 2 Hearing on Debtors’ Motion to Assume* [Docket No. 676] (the “**Debtors’ Response**”). In support of this Reservation of Rights, the Ad Hoc Group submits as follows:

¹ Debtors in these chapter 11 cases and the last four digits of their corporate identification numbers are as follows: Rhodium Encore LLC (3974), Jordan HPC LLC (3683), Rhodium JV LLC (5323), Rhodium 2.0 LLC (1013), Rhodium 10MW LLC (4142), Rhodium 30MW LLC (0263), Jordan HPC Sub LLC (0463), Rhodium 2.0 Sub LLC (5319), Rhodium 10MW Sub LLC (3827), Rhodium 30MW Sub LLC (4386), Rhodium Encore Sub LLC (1064), Rhodium Enterprises, Inc. (6290), Rhodium Industries LLC (4771), Rhodium Ready Ventures LLC (8618), Rhodium Renewables LLC (0748), Air HPC LLC (0387), Rhodium Renewables Sub LLC (9511), Rhodium Shared Services LLC (5868), and Rhodium Technologies LLC (3973). The mailing and service address of Debtors in these chapter 11 cases is 2617 Bissonnet Street, Suite 234, Houston, TX 77005.

² The members of the Ad Hoc Group of SAFE Parties are set forth in the *First Supplemental Verified Statement of Ad Hoc Group of SAFE Parties Pursuant to Bankruptcy Rule 2019* [Docket No. 607].



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RESERVATION OF RIGHTS

1. The Ad Hoc Group reserves all rights to appear and be heard with respect to the Motion to Assume, including the Whinstone Statement and the Debtors' Response, and including by participating in Phase 2 of the hearing on such motion.

2. Furthermore, by this Reservation of Rights, the Ad Hoc Group hereby respectfully requests notice of all pre-trial (including discovery) and trial activities that may be contemplated or scheduled in connection with Phase 2 or any other aspect of the Motion to Assume.

Dated: January 23, 2025

Respectfully Submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

/s/ Sarah Link Schultz

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Counsel to the Ad Hoc Group of SAFE Parties

Certificate of Service

I hereby certify that on January 23, 2025, a true and correct copy of the foregoing document was served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Sarah Link Schultz
Sarah Link Schultz