

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

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

AMENDED NOTICE OF RULE 2004 DEPOSITION OF NICHOLAS CERASUOLO

PLEASE TAKE NOTICE THAT, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Local Rule 2004-1 of the United States Bankruptcy Court for the Southern District of Texas (the “Local Rules”), and an agreement reached between the Transcend Group and Nicholas Cerasuolo, Transcend Partners Legend Fund LLC; Valley High LP; GR Fairbairn Family Trust; Grant Fairbairn Revocable Trust; Nina Claire Fairbairn Revocable Trust; NCF Eagle Trust; GRF Tiger Trust; and NC Fairbairn Family Trust (collectively, the “Transcend Group”) will take the oral deposition of **Nicholas Cerasuolo** on **May 8, 2025, at 9:30 a.m. Central Time** at a location to be agreed upon by the Transcend Group and Cerasuolo.² Interested parties will have the option to attend and participate in the deposition via video conference (*i.e.*, remote means). Remote login instructions will be provided prior to the

¹ The 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), Rhodium Enterprises, Inc. (6290), Rhodium Technologies LLC (3973), Rhodium Renewables LLC (0748), Air HPC LLC (0387), Rhodium Shared Services LLC (5868), Rhodium Ready Ventures LLC (8618), Rhodium Industries LLC (4771), Rhodium Encore Sub LLC (1064), Jordan HPC Sub LLC (0463), Rhodium 2.0 Sub LLC (5319), Rhodium 10MW Sub LLC (3827), Rhodium 30MW Sub LLC (4386), and Rhodium Renewables Sub LLC (9511). The mailing and service address of the Debtors in these chapter 11 cases is 2617 Bissonnet Street, Suite 234, Houston, TX 77005.

² A supplemental notice will be filed prior to the deposition once a physical location is agreed upon. As stated above, interested parties will have the option to participate in the deposition via remote means.



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deposition. The deposition will be recorded by stenographic means and may also be recorded by audio, video, or audiovisual means and shall continue day-to-day until completed.

Pursuant to Local Rule 2004-1(d), the Transcend Group hereby apprises Cerasuolo and all interested parties that the scope of the examination will relate to (i) the facts giving rise to potential estate causes of action, (ii) the damages suffered by the Debtors in relation to such estate causes of action, and (iii) facts that may provide grounds for the subordination of other stakeholders in the Debtors (or objections to claims of such stakeholders). Such examination is necessary for the Transcend Group to analyze and value its interests in the assets of the Debtors (including the valuable estate causes of action) so the Transcend Group can make informed decisions in the context of this bankruptcy proceeding and specifically with respect to any plan that may be proposed. Moreover, the Transcend Group is entitled to the same materials and information as all other stakeholders and should not be treated differently or otherwise restricted in its rights to participate in, and conduct, Rule 2004 examinations in this proceeding.

Counsel for the Transcend Group has offered to meet and confer regarding the aforementioned scope of the examination and any objections thereto so the same, if any, may be resolved in advance of the deposition.

Dated: April 24, 2025

Respectfully Submitted,

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Brenda L. Funk

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2025, a true and correct copy of the foregoing document was served electronically through the Court's ECF transmission facilities on all parties registered to receive ECF notice in the above-captioned case as well as the following parties.

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