

**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)
	§	

**STATEMENT OF THE AD HOC GROUP OF SAFE PARTIES REGARDING
STATUS CONFERENCE SCHEDULED FOR APRIL 25, 2025**

The Ad Hoc Group of SAFE Parties (the “**SAFE AHG**”)² in the above-captioned chapter 11 cases (the “**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 statement (the “**Statement**”) regarding the status conference currently scheduled for April 25, 2025 at 10:00 a.m. (Central Time) (the “**Status Conference**”).³

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 As defined in the *First Supplemental Verified Statement of Ad Hoc Group of SAFE Parties Pursuant to Bankruptcy Rule 2019* [Docket No. 607].

³ Capitalized terms used but not defined herein shall have the meanings given to them in the *Application for an Updated Order Authorizing the Retention and Employment of Lehotsky Keller Cohn LLP as Special Litigation Counsel* [Docket No. 835] (the “**Second LKC Retention Application**”) or the *Objection of the Ad Hoc Group of Safe Parties to Debtors’ Application for an Updated Order Authorizing the Retention and Employment of Lehotsky Keller Cohn LLP as Special Litigation Counsel* [Docket No. 891] (the “**Retention Objection**”), as applicable.



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STATEMENT

1. The SAFE AHG and Lehotsky Keller Cohn LLP (“**LKC**”) met and conferred today and have agreed that the Second LKC Retention Application will be heard on May 21, 2025 (the “**Hearing**”), a date the Court indicated it was available. LKC has not agreed, however, to a deadline for submission of any replies or other pleadings in further support of the Second LKC Retention Application (“**Replies**”), and it appears disputes over the proper scope of discovery are likely.

2. At the Status Conference, the SAFE AHG intends to ask the Court to establish a scheduling order concerning the Second LKC Retention Application, including an expedited process for resolving any discovery disputes and a Reply deadline. The SAFE AHG filed its Retention Objection on March 27, 2025. LKC served interrogatories and document requests on the SAFE AHG on April 21, 2025 (“**LKC Requests**”), some three weeks later. Discovery sought by LKC includes a “list” of the “fees Akin Gump Strauss Hauer & Feld LLP has earned to date” concerning the LKC engagement, any SAFE AHG “communications with any person concerning LKC” from August 1, 2024 to April 21, 2024, among other material that the SAFE AHG submits is manifestly irrelevant to the Second LKC Fee Application. The SAFE AHG served its objections to the LKC Requests earlier today.

3. Continuing disagreements concerning the propriety of the LKC Requests (and deposition subpoenas LKC has indicated it may serve on the SAFE AHG’s counsel) appear inevitable. Hence, at the Status Conference, the SAFE AHG will ask the Court to establish deadlines for (i) serving any additional document or deposition discovery, (ii) completion of the meet and confer process and agreed productions, (iii) service of letter-motions to compel by any parties who wish to require the production of documents or testimony, (iv) service of brief letter responses and (v) service of Replies, all in advance of the agreed May 21, 2025 Hearing.

4. Specifically, the SAFE AHG will propose the schedule identified below:

- **Monday, April 28, 2025:** Deadline to serve discovery requests (including any deposition subpoenas);
- **Wednesday, April 30, 2025:** Deadline to finish meet and confer process;
- **Thursday, May 1, 2025:** Deadline for production of agreed documents;
- **Friday, May 2, 2025:** Deadline to submit letter briefs of no more than three pages seeking to compel documents or deposition testimony, if any (“Motions”);
- **Tuesday, May 6, 2025:** Deadline to submit responses of not more than three pages to any Motions; and
- **Wednesday, May 14, 2025:** Deadline for Replies.

5. The SAFE AHG submits that the foregoing schedule is fair and appropriate. Among other things, the schedule accommodates the parties’ agreed Hearing date of May 21, 2025, while permitting a reasonable opportunity to take appropriate discovery relating to the Second LKC Retention Application (if any), and resolve any related discovery disputes. The SAFE AHG looks forward to addressing its proposed schedule with the Court during the Status Conference.

RESERVATION OF RIGHTS

6. This Statement is submitted without prejudice to, and with a full reservation of, the SAFE AHG’s rights, claims, defenses and remedies, including the right to amend, modify or supplement this Statement to raise additional objections and to introduce evidence at any hearing relating to the Second LKC Retention Application or the Retention Objection, and without in any way limiting any other rights of the SAFE AHG to further respond to the Second LKC Retention Application, on any grounds, as may be appropriate.

CONCLUSION

7. For the foregoing reasons, the SAFE AHG respectfully requests that the Court (i) establish the schedule proposed herein for any Second LKC Retention Application-related discovery, and discovery disputes, in advance of the agreed May 21, 2025 hearing, and (ii) grant such other relief as may be just and proper.

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Dated: April 24, 2025

Respectfully Submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

/s/ Sarah Link Schultz

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Certificate of Service

I hereby certify that on April 24, 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