

IN THE UNITED STATES BANKRUPTCY COURT
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)
	§	

**LEHOTSKY KELLER COHN LLP’S MOTION FOR ORDER DIRECTING
PAYMENT OF FEES AND EXPENSES
(Relates to ECF No. 2198)**

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txsb.uscourts.gov/> within twenty-one days from the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk within twenty-one days from the date this motion was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

Lehotsky Keller Cohn LLP (“*LKC*”) files this motion (the “*Motion*”) for an order directing payment of *LKC*’s fees and expenses approved in the Court’s *Final Order Allowing Compensation and Reimbursement of Expenses* (ECF No. 2198) (the “*Order*”) and respectfully states as follows:

MOTION

1. The Debtors and the Special Committee have flouted the Court’s order to pay *LKC* its fees and expenses. On December 24, 2025, the Court ordered payment of the compensation

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), Rhodium Enterprises, Inc. (6290), Rhodium Technologies 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 Debtors in these chapter 11 cases is 2617 Bissonnet Street, Suite 234, Houston, TX 77005.



sought in LKC's final fee application, but the Debtors and the Special Committee have ignored the order.

2. Two weeks later, on January 7, 2026, the Special Committee and the SAFE Ad Hoc Group ("**SAFE AHG**") both filed notices of appeal, but neither sought a stay. *See* ECF Nos. 2213, 2214. Nor could they. The appeals are patently frivolous and nothing more than (yet another) pitiful attempt to impose costs on LKC. The SAFE AHG's appeal is also ironic: Just last month, the SAFE AHG beseeched the Court to "put an end to the continuing administrative and professional fee burn associated with these cases as promptly as possible." ECF No. 2160 at 2; *see also id.* at 2-4 (falsely contending that it tried to broker a settlement between LKC and the Special Committee).

3. In any event, the next day, LKC reached out to the Special Committee and its counsel, Barnes & Thornburg, copying Debtors' bankruptcy counsel, Ms. Patty Tomasco, asking about the fees and expenses and serving a demand letter. *See Exhibit A*. LKC reminded the Special Committee and Barnes & Thornburg that "a Notice of Appeal does not stay a court decision," and requested immediate payment including interest. No one responded.

4. Accordingly, LKC has no choice but to seek the Court's intervention. LKC respectfully requests that the Court: (a) order the Debtors and the Special Committee to pay the fee immediately including interest; (b) issue the attached order to show cause why the Debtors, the Special Committee, and Barnes & Thornburg should not be held in contempt; and (c) award LKC its fees and expenses in drafting and filing this motion.

Dated: January 12, 2026
Houston, Texas

Respectfully submitted,

/s/ Joshua W. Wolfshohl

Joshua W. Wolfshohl (TX Bar No. 24038592)

Michael B. Dearman (TX Bar No. 24116270)

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Counsel to Lehotsky Keller Cohn LLP

CERTIFICATE OF SERVICE

I, Joshua W. Wolfshohl, certify that on the 12th day of January, 2026, a 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 on all parties registered to receive ECF notice in the above-captioned case.

/s/ Joshua W. Wolfshohl

Joshua W. Wolfshohl

Exhibit A

Monday, January 12, 2026 at 09:53:09 Eastern Standard Time

Subject: Rhodium
Date: Thursday, January 8, 2026 at 6:30:13 PM Eastern Standard Time
From: Jon Cohn
To: David Eaton, Schmeltz, Trace
CC: andy.detherage@btlaw.com, Patty Tomasco, Wolfshohl, Joshua W., Will Thompson, Todd Disher, Dearman, Michael B., Jacob Richards
Attachments: LKC Demand Letter.pdf

Dear Trace and David: Please see the attached demand letter.

In addition, I want to flag two related issues for the group:

First, I asked Trace before the holidays who will be representing the Special Committee and Barnes & Thornburg in this dispute. Trace said he would get back to me but never did. Accordingly, I have addressed the demand letter to Trace and David. Please let me know if the Special Committee and Barnes & Thornburg are now represented, and I will address future correspondence to counsel.

Second, as you should be aware, Judge Perez entered his order on our success fee more than 14 days ago, yet the Debtors have failed to pay. (I suspect you already know that a Notice of Appeal does not stay a court decision, but maybe that is the issue here.) In any event, instead of flouting the Court's order, please pay us immediately, including interest.

Let me know if you have any questions.

Fond regards,
Jon

Jonathan F. Cohn | [Lehotsky Keller Cohn](#) | 202.538.1214

**SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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

**ORDER DIRECTING PAYMENT AND
SETTING HEARING TO SHOW CAUSE**
[Relates to Docket No. 2198]

Upon consideration of the Lehotsky Keller Cohn LLP’s (“**LKC**”) motion for order directing payment of fees and expenses (“**Motion**”)², any responses thereto, any evidence adduced at any hearing thereon, and the record in this case, the Court finds that: (a) the Court has jurisdiction under 28 U.S.C. § 1334; (b) this is a core proceeding under § 157(b); (c) the relief requested is in the best interest of the Debtors’ estates and its creditors; and (e) good cause exists to grant the relief requested. Pursuant to 11 U.S.C. § 105, it is therefore,

ORDERED that the Debtors are ordered to immediately pay, upon entry of this Order, the amount set forth in paragraph 3 of the *Final Order Allowing Compensation and Reimbursement of Expenses* [Docket No. 2198] (“**Fee Application Order**”), plus interest accruing from the date of entry of Fee Application Order through the date of payment at the rate set forth in 28 U.S.C. § 1961(a); and it is further

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² Capitalized terms used but not otherwise defined herein are intended to have the same meaning as defined in the Motion.

ORDERED that the Debtors and the Special Committee of the Board of Directors of Rhodium Enterprises, Inc. are ordered to appear at a hearing on _____, 2026 at _____ (prevailing Central Time) before the Honorable United States Bankruptcy Judge Alfredo R. Perez, United States Bankruptcy Court, Courtroom 400, 515 Rusk, Houston, TX 77002 to show cause as to why the Debtors and the Special Committee should not be held in contempt; and it is further

ORDERED THAT IF THE DEBTORS AND SPECIAL COMMITTEE FAIL TO APPEAR IN THIS COURT AT THE ABOVE-SCHEDULED HEARING, THEN THE COURT WILL HOLD THE DEBTORS IN CONTEMPT; AND IT IS FURTHER

ORDERED that LKC shall be awarded its fees and expenses related to the Motion, which shall be determined at the above-scheduled hearing.

ORDERED that the Trustee shall serve a copy of this Order to the Debtors and the Special Committee by emailing a copy of this Order to Patricia Tomasco at pattytomasco@quinnemanuel.com and Trace Schmeltz at tschmeltz@btlaw.com, respectively, and shall file a certificate of service within two (2) business days of entry of this Order; and it is further

ORDERED that this Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Signed: _____

**HONORABLE ALFREDO R. PEREZ
UNITED STATES BANKRUPTCY JUDGE**