

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

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

APPLICATION FOR AN UPDATED ORDER AUTHORIZING THE RETENTION  
AND EMPLOYMENT OF STRIS & MAHER LLP  
AS SPECIAL LITIGATION COUNSEL

**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/](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 YOU WERE SERVED WITH THIS PLEADING. YOU MUST SERVE A COPY OF YOUR RESPONSE ON THE PERSON WHO SENT YOU THE NOTICE; OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.**

TO THE UNITED STATES BANKRUPTCY JUDGE:

Rhodium Encore LLC and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, “Debtors” or “Rhodium”) respectfully submit this

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<sup>1</sup> 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), 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.



Application for an Updated Order Authorizing the Retention and Employment of Stris & Maher LLP as Special Litigation Counsel (the “Application”) pursuant to sections 327(e), 328(a), 330, of 1107 of title 11 of the United States Code (the “Bankruptcy Code”), rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), rules 2014-1 and 2016-1 of the Local Bankruptcy Rules for the Southern District of Texas (the “Local Rules”), and paragraph 47 of the Procedures for Complex Chapter 11 Cases in the Southern District of Texas (the “Complex Case Procedures”). In support of this Application, Debtors rely upon the original Application filed September 22, 2024, (“Original Application”) and the Declarations of Peter K. Stris (“Stris Declaration”) and Charles Topping (“Topping Declaration”), submitted therewith. ECF No. 170.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A) and (O). Venue of Debtors’ chapter 11 cases is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The relief requested in this Application is sought pursuant to 11 U.S.C. §§ 105, 327(e), 328(a), 330, 503, 507, and 1107(a).

### **BACKGROUND**

3. The Original Application sets forth the pertinent factual background leading up to the Original Order. Debtors hereby incorporate by reference Paragraphs 6 through 62 of the Original Application.

4. No parties objected, and this Court granted the Original Application on October 14, 2024. ECF No. 262 (“Original Order”).

5. Since that time, Stris & Maher LLP has continued to represent Debtors as Special Litigation Counsel in all three authorized matters. As a result, Stris & Maher LLP has gained even more extensive knowledge of the factual and legal issues in each dispute and as well as of Debtors' business, corporate structure, and history.

6. Debtors now seek to clarify and update the order authorizing them to retain Stris & Maher LLP as special litigation counsel in the wake of further developments in one of the three matters (the Whinstone Dispute).

**RELIEF REQUESTED**

7. By this Application, and pursuant to sections 327(e), 328(a), and 330 of the Bankruptcy Code, Bankruptcy Rules 2014 and 2016, Local Rules 2014-1 and 2016-1, and paragraph 47 of the Complex Case Procedures, Debtors request entry of an order approving the employment and retention of Stris & Maher LLP as its special litigation counsel in the three matters, as clarified in scope in the accompanying proposed order, effective as of the Petition Date.

8. Specifically, the Whinstone Dispute has progressed beyond Debtor's Motions to Assume Contracts With Whinstone, and Debtors request an updated order making clear that Debtors' are authorized to continue to retain and employ Stris & Maher LLP in connection with all aspects of that dispute, including not only the Motions to Assume Contracts With Whinstone (ECF Nos. 7, 32), but also Debtors' application for an updated Order authorizing the retention and employment of Lehotsky Keller Cohn LLP as Special Counsel in connection with the Whinstone Dispute (ECF No. 891), and including any Objections thereto (*see* ECF Nos. 835 and 927).

9. Debtors have determined that the requested update to the Original Application is necessary to protect their interests most effectively and efficiently.

10. Apart from an increase to Stris & Maher LLP's 2025 rates (for which proper notice was given pursuant to Paragraph 6 of the Original Order and no objection was made), the past compensation and proposed arrangement for future compensation set forth in the Original Application, Stris Declaration, and Topping Declaration have not changed.

11. Stris & Maher LLP will continue to avoid duplicative work. Stris & Maher LLP neither holds nor represents any interest adverse to Debtors.

Debtors respectfully request that this Court enter an order allowing the retention and employment of Stris & Maher LLP as special litigation counsel upon the terms described in this Application and for such other and further relief as the Court may deem just and appropriate.

Respectfully submitted this 17th day of April, 2025.

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

/s/ Patricia B. Tomasco

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*Counsel to the Debtors and  
Debtors-In-Possession*

**Certificate of Service**

I, Patricia B. Tomasco, hereby certify that on the 17th day of April, 2025, a copy of the foregoing Application was served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

*/s/ Patricia B. Tomasco* \_\_\_\_\_

Patricia B. Tomasco

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

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

**DECLARATION OF PETER K. STRIS IN SUPPORT OF THE APPLICATION FOR AN ORDER AUTHORIZING THE RETENTION AND EMPLOYMENT OF STRIS & MAHER LLP AS SPECIAL LITIGATION COUNSEL**

The undersigned as special counsel for Rhodium Encore LLC and its debtor-affiliates in the above-captioned chapter 11 cases, as debtors and debtors-in-possession (collectively, the “Debtors” or “Rhodium”), hereby submits this declaration in support of the Application for an Updated Order Authorizing the Retention and Employment of Stris & Maher LLP as Special Litigation Counsel.

Pursuant to 28 U.S.C. § 1746, I, Peter K. Stris, hereby declare as follows:

1. My name is Peter K. Stris. I am over 18 years of age. I am competent to make this declaration and have personal knowledge of the facts stated herein. Each and every statement contained herein is true and correct. To the extent any of the information disclosed herein requires

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<sup>1</sup> 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), 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.

amendments or modifications upon the completion of further review or as additional information becomes available, a supplemental declaration will be submitted reflecting such amended or modified information.

2. I am an attorney duly admitted to practice in the State of California and *pro hac vice* in this Court.

3. I am a partner in the law firm of Stris & Maher LLP (the “Firm”).

4. This declaration is submitted in support of the Application for an Updated Order Authorizing the Retention and Employment of Stris & Maher LLP as Special Litigation Counsel (the “Application”) pursuant to sections 327(e), 328(a), and 330 of title 11 of the United States Code (the “Bankruptcy Code”), rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), rules 2014-1 and 2016-1 of the Local Bankruptcy Rules for the Southern District of Texas (the “Local Rules”) and paragraph 47 of the Procedures for Complex Cases in the Southern District of Texas (the “Complex Case Procedures”).

5. Since this Court granted our Original Application on October 14, 2024, the Firm has continued to represent Debtors as Special Litigation Counsel in all three authorized matters: the Whinstone Dispute, the Midas Green Patent Litigation, and the Temple Green Data Matter.

6. As a result, the Firm has gained even more extensive knowledge of the factual and legal issues in each dispute and as well as of Debtors’ business, corporate structure, and history.

7. Apart from an increase to the Firm’s 2025 rates (for which proper notice was given pursuant to Paragraph 6 of the Original Order and no objection was made), the past compensation and proposed arrangement for future compensation set forth in the Original Application, Stris Declaration, and Topping Declaration (together available at ECF No. 170) have not changed.



8. I have discussed the Firm's proposed role as Special Litigation Counsel in Debtors' chapter 11 proceedings with Debtors, and I believe the services rendered by the Firm will not unnecessarily duplicate those rendered by any other professional retained by Debtors. The Firm has agreed to continue to make reasonable efforts to avoid duplication of services by any other professionals employed by Debtors.

9. Stris & Maher LLP will continue to conduct an ongoing review of its files to ensure that it continues to neither represent nor hold any interests adverse to Debtors or their estates with respect to the matters on which the Firm is to be employed pursuant to this Application.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17th day of April 2025.

/s/ Peter K. Stris

Peter K. Stris

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
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In re:	§	Chapter 11
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RHODIUM ENCORE LLC, <i>et al.</i> , <sup>1</sup>	§	Case No. 24-90448 (ARP)
	§	
Debtors.	§	
	§	(Jointly Administered)
	§	

**ORDER GRANTING THE APPLICATION FOR ORDER AUTHORIZING THE  
RETENTION AND EMPLOYMENT OF STRIS & MAHER LLP  
AS SPECIAL LITIGATION COUNSEL  
(Relates to ECF No. \_\_\_\_\_)**

This matter comes before the Court upon the application, dated \_\_ (the “Application”),<sup>2</sup> of Rhodium Encore LLC and its debtor affiliates, as debtors and debtors in possession (collectively, “Debtors”), for entry of an updated order, pursuant to sections 327(e), 328(a), 330, and 1107 of the Bankruptcy Code, Bankruptcy Rules 2014 and 2016, Local Rules 2014-1 and 2016-1, and paragraph 47 of the Procedures for Complex Case Procedures, authorizing Debtors to retain and employ Stris & Maher LLP as special litigation counsel in connection with three separate matters.

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<sup>1</sup> 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), 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.

<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Application.

The Court has considered the Application and the Stris Declaration submitted therewith, as well as the Original Application and the Stris Declaration and the Topping Declaration submitted therewith. This Court has jurisdiction to consider the Application and the relief requested therein pursuant to 28 U.S.C. § 1334. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The Court may consider and rule on the Application as it is a core proceeding pursuant to 28 U.S.C. § 157(b).

The Court is satisfied, based on the representations made in the Application and Stris Declaration that Stris & Maher LLP “does not represent or hold any interest adverse to the debtor or to the estate with respect to the matter on which [Stris & Maher LLP] is to be employed,” as required by 11 U.S.C. § 327(e). The Court is satisfied that due and proper notice of the Application was provided, that such notice was adequate and appropriate under the circumstances, and no other or further notice need be provided. All objections, if any, to the Application have been withdrawn, resolved, or overruled. The Court has determined that the legal and factual bases set forth in the Application establish just cause to grant the relief requested therein. The relief requested in the Application is necessary for Debtors’ reorganization and is in the best interest of Debtors and their respective estates and creditors. Accordingly,

**IT IS HEREBY ORDERED THAT:**

1. Debtors are authorized, but not directed, pursuant to sections 327(e), 328(a), 329, and 504 of the Bankruptcy Code, Bankruptcy Rules 2014 and 2016, Local Rules 2014 and 2016, and paragraph 47 of the Complex Case Procedures, to retain and employ Stris & Maher LLP as special litigation counsel in these chapter 11 cases, effective as of the Petition Date, as follows:

a. Stris & Maher LLP may represent Debtors in all matters in which the Whinstone Dispute is at issue, including specifically in the Motions to Assume Contracts

With Whinstone (ECF Nos. 7, 32), Debtors' application for an updated Order authorizing the retention and employment of Lehotsky Keller Cohn LLP as Special Counsel in connection with the Whinstone Dispute (ECF No. 891), including any Objections thereto (*see* ECF Nos. 835 and 927), and in the Tarrant County Litigation;

b. Stris & Maher LLP may represent Debtors in the Midas Green Patent Litigation, including in connection with any subpoenas Debtors receive for documents in the Midas Green Patent Litigation; and

c. Stris & Maher LLP may represent Debtors in the Temple Green Data Matter.

2. Debtors shall retain and employ Stris & Maher LLP under a general retainer in accordance with Stris & Maher LLP's normal hourly rates and disbursement policies, other than for work on the Tarrant County Litigation, which Stris & Maher LLP will bill at a 10% courtesy discount, as contemplated by the Application.

3. Stris & Maher LLP shall be compensated in accordance with, and will file interim and final fee applications for allowance of its compensation and expenses, and shall be subject to, sections 330 and 331 of the Bankruptcy Code and applicable provisions of the Bankruptcy Rules, the Local Rules, the U.S. Trustee Guidelines and any other applicable procedures and orders of the Court. For billing purposes, Stris & Maher LLP will keep its time in one-tenth (1/10) hour increments in accordance with the U.S. Trustee Guidelines. Stris & Maher LLP also intends to make a reasonable effort to comply with the U.S. Trustee's requests for information and additional disclosures as set forth in the U.S. Trustee Guidelines, both in connection with the Application and any interim and final fee applications to be filed by Stris & Maher LLP in these chapter 11 cases. All billing records filed in support of Stris & Maher LLP's fee applications will use an open and

searchable LEDES or other electronic data format and will use the U.S. Trustee's standard project categories.

4. Stris & Maher LLP shall be reimbursed for reasonable and necessary expenses as provided by the U.S. Trustee Guidelines.

5. Stris & Maher LLP shall use its best efforts to avoid any duplication of services provided by any of Debtors' other retained professionals in these chapter 11 cases.

6. Stris & Maher LLP shall provide seven days' notice to Debtors, the U.S. Trustee, and the attorneys for any statutory committee appointed in these chapter 11 cases of any increase in Stris & Maher LLP's hourly rates as set forth in the Stris Declaration. The U.S. Trustee retains all rights to object to any rate increase on all grounds, including the reasonableness standard set forth in section 330 of the Bankruptcy Code, and the Court retains the right to review any rate increase pursuant to section 330 of the Bankruptcy Code.

7. To the extent the Application is inconsistent with this Order, the terms of this Order shall govern.

8. Debtors are authorized to take all actions necessary or appropriate to carry out the relief granted in this Order.

9. This Court retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated:

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ALFREDO R. PEREZ  
UNITED STATES BANKRUPTCY JUDGE