

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)
	§	

**MOTION TO SEAL THE SAFE AHG'S EMERGENCY
REQUEST FOR STATUS CONFERENCE REGARDING DEBTORS'
NON-COMPLIANCE WITH AUGUST 4 DISCLOSURE AGREEMENT AND
REQUEST TO RESTORE SAFE AHG TERMINATION MOTION TO CALENDAR**

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 is 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.

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 their undersigned counsel, files this Motion to Seal (“**Motion to Seal**”) confidential information included in the SAFE AHG’S Emergency Request for Status Conference Regarding Debtors’ Non-Compliance with August 4 Disclosure Agreement and Request to Restore SAFE AHG Termination Motion to Calendar

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), 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 the Debtors in these chapter 11 cases is 2617 Bissonnet Street, Suite 234, Houston, TX 77005.

² As defined in the *Third Supplemental Verified Statement of Ad Hoc Group of SAFE Parties Pursuant to Bankruptcy Rule 2019* [Docket No. 1346].



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(the “**Emergency Request**”).

RELIEF REQUESTED

1. By this Motion to Seal, pursuant to sections 105(a) and 107(b) of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 9037-1 of the Bankruptcy Local Rules for the United States Bankruptcy Court for the Southern District of Texas (the “**Local Rules**”), the SAFE AHG respectfully requests entry of an order authorizing the SAFE AHG (i) to file an unredacted version of the Emergency Request under seal; and (ii) to file an unsealed version of the Emergency Request that redacts all Confidential information, as defined in the *Stipulated Protective Order*, ECF No. 152 (“**Protective Order**”), dated September 18, 2024 (collectively, “**Confidential Information**”).

2. A proposed form of order granting the relief requested herein is annexed hereto as **Exhibit A** (the “**Proposed Order**”).

3. The SAFE AHG will file an unsealed, redacted version of the Emergency Request on the public docket and will provide an unredacted version of the Emergency Request to the Debtors, the Special Committee of the Board of Directors of Debtor Rhodium Enterprises, Inc. (the “**Special Committee**”), and to other parties in interest upon further court order or upon agreement of the Debtors, the Special Committee, and the SAFE AHG (the “**Parties**”).

JURISDICTION, VENUE, AND LEGAL PREDICATE

4. This Court has jurisdiction with respect to this matter pursuant to 28 U.S.C. §§ 157(b)(1) and 1334. This Motion to Seal is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper in this district pursuant to 28 U.S.C. § 1408.

5. The bases for the relief requested herein are Bankruptcy Code sections 105(a) and 107(b), Bankruptcy Rule 9018, and Rule 9037-1 of the Local Rules.

BACKGROUND

6. On August 24, 2024, each of the Debtors filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of Texas.

7. The Court has entered the Protective Order, ECF No. 152, to govern the disclosure and use of confidential discovery materials in these Chapter 11 Cases.

8. The Protective Order provides:

All pleadings, memoranda supporting motions, briefs, deposition transcripts, discovery requests and responses, exhibits, and other documents that quote information from Confidential Information or Highly Confidential – Professionals’ Eyes Only Information and Confidential Information and Highly Confidential – Professionals’ Eyes Only Information if filed with the Court, shall be redacted from the Court filing (either by redacting the relevant text of the submission or redacting the entirety of any exhibit that has been designated as containing Confidential Information or Highly Confidential – Professionals’ Eyes Only Information) or filed under seal pursuant to the Court’s rules governing sealed documents, unless the Designating Party consents in writing to such Confidential Information or Highly Confidential – Professionals’ Eyes Only Information being filed publicly.

9. The Parties are signatories to the Protective Order.

RELIEF REQUESTED SHOULD BE GRANTED

10. Section 105(a) of the Bankruptcy Code codifies the Court’s inherent, equitable powers, and empowers it to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C § 105(a). Moreover, pursuant to section 107(b)(1) of the Bankruptcy Code, the Court may authorize the SAFE AHG to redact Confidential Information in the publicly filed Emergency Request, and to file the non-public Emergency Request under seal, by permitting the issuance of an order that protects entities from potential harm

that may result from the disclosure of certain confidential information. *See* 11 U.S.C. § 107(b).

Specifically, section 107(b) provides, in relevant part:

On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may — (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information.

11 U.S.C. § 107(b).

11. Bankruptcy Rule 9018 sets forth the procedures by which a party may obtain a protective order authorizing the filing of a document under seal. Bankruptcy Rule 9018 provides, in relevant part, “[o]n motion, or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information.” Bankruptcy Rule 9018; *see also* Local Rule 9037-1 (“A motion, reply or other document may initially be filed under seal if the filing party simultaneously files a motion requesting that the document be maintained under seal.”).

12. The Confidential Information the SAFE AHG seeks to seal here quotes or is derived from documents that the Debtors or the Special Committee designated as Confidential. The SAFE AHG is therefore compelled to submit such information under seal in accordance with the terms of the applicable Protective Order.

RESERVATION OF RIGHTS

13. Notwithstanding the filing of this Motion to Seal, the SAFE AHG reserves all of its rights, remedies, claims, and defenses with respect to the propriety of the confidentiality designations applied to the information subject to this Motion to Seal, including whether such information satisfies the requirements for protection under the standards set forth in the Protective Order and/or applicable law.

NO PREVIOUS REQUEST

14. No previous request for the relief sought herein has been made by the SAFE AHG

to this or any other court.

WHEREFORE, the SAFE AHG respectfully requests entry of the Proposed Order granting the relief requested herein and such other and further relief the Court may deem just and appropriate.

Dated: August 24, 2025

AKIN GUMP STRAUSS HAUER & FELD LLP

/s/ Sarah Link Schultz

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CERTIFICATE OF SERVICE

I hereby certify that on August 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

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

In re: RHODIUM ENCORE LLC, <i>et al.</i> , ¹ <div style="text-align: center;">Debtors.</div>	§ § § § § § §	Chapter 11 Case No. 24-90448 (ARP) (Jointly Administered)
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**ORDER GRANTING MOTION TO SEAL THE SAFE AHG’S EMERGENCY
REQUEST FOR STATUS CONFERENCE REGARDING DEBTORS’
NON-COMPLIANCE WITH AUGUST 4 DISCLOSURE AGREEMENT AND
REQUEST TO RESTORE SAFE AHG TERMINATION MOTION TO CALENDAR**

Upon the motion (the “**Motion to Seal**”) of 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**”), seeking entry of an order pursuant to Bankruptcy Code³ sections 105(a) and 107(b), Bankruptcy Rule 9018, and Local Rule 9037-1 authorizing the SAFE AHG (i) to file an unredacted version of the SAFE AHG’S Emergency Request for Status Conference Regarding Debtors’ Non-Compliance with August 4 Disclosure Agreement and Request to Restore SAFE AHG Termination Motion to Calendar (the “**Emergency Request**”) under seal; and (ii) to file an unsealed version of the Emergency Request that redacts all Confidential information, as defined in the Protective Order,

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² As defined in the *Third Supplemental Verified Statement of Ad Hoc Group of SAFE Parties Pursuant to Bankruptcy Rule 2019* [Docket No. 1346].

³ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion to Seal.

as more fully set forth in the Motion to Seal; and this Court having jurisdiction to consider the Motion to Seal and the relief requested therein pursuant to 28 U.S.C. § 1334; and consideration of the Motion to Seal and requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue is proper before this Court pursuant to 28 U.S.C. § 1408; and due and proper notice of the Motion to Seal having been provided; and such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion to Seal; and all objections, if any, to the Motion to Seal having been withdrawn, resolved, or overruled; and this Court having determined that the legal and factual bases set forth in the Motion to Seal establish just cause for the relief granted here; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion to Seal is GRANTED.
2. The SAFE AHG is authorized to file an unredacted version of the Emergency Request under seal.
3. The SAFE AHG is authorized to file an unsealed version of the Emergency Request that redacts all Confidential information, as defined in the Protective Order.
4. The information marked as Confidential contained within the unredacted version of the Emergency Request shall remain confidential and under seal, and absent further order of this Court, shall not be made available to anyone, except that copies shall be provided (i) to the Court and Clerk, (ii) to the Debtors and the Special Committee of the Board of Directors of Debtor Rhodium Enterprises, Inc. (the “**Special Committee**”) and (iv) to other persons upon further order of the Court or upon agreement of the Debtors, the Special Committee, and the SAFE AHG

(the “**Parties**”).

5. Any party who receives an unredacted version of the Emergency Request, in accordance with this Order, shall be made aware of the terms of this Order, and shall keep the Confidential Information contained therein strictly confidential.

6. This Order shall be immediately effective and enforceable upon its entry.

7. The Parties, including the SAFE AHG, are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Emergency Request.

8. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to the implementation, interpretation, and enforcement of this Order.

Dated: _____, 2025

Houston, Texas

Hon. Judge Alfredo R. Perez
United States Bankruptcy Judge