

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

In re:

RHODIUM ENCORE LLC, *et al.*,¹

Debtor.

Chapter 11

Case No. 24-90448 (ARP)

(Jointly Administered)

**DESIGNATION OF RECORD ON APPEAL
PURSUANT TO FED. R. BANKR. P. 8009**

Pursuant to Fed. R. Bankr. P. 8009, DLT Data Center 1 LLC (“Appellant”), by and through its undersigned counsel, hereby submits this designation of the record on appeal of the *Order Overruling Debtors’ Omnibus Objection at ECF No. 1126 to the SAFE Proofs of Claim* (the “Order”) entered by the Bankruptcy Court on August 30, 2025 [Dkt. # 1593] in the above captioned bankruptcy case (the “Bankruptcy Case”).

1. Notice of Appeal

- a. *Notice of Appeal* filed on September 13, 2025 in the Bankruptcy Case [Dkt. # 1644]

2. The Judgment, Order, or Decree Appealed from

- a. *Order Overruling Debtors’ Omnibus Objection at ECF No. 1126 to the SAFE Proofs of Claim* (the “Order”) entered by the Bankruptcy Court on August 30, 2025 [Dkt. # 1593]

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.



3. Any Opinion, Findings of Fact, and Conclusions of Law of the Bankruptcy Court

- a. *Memorandum Opinion Overruling Debtors' Omnibus Objection at ECF No. 1126 to the SAFE Proofs of Claim* entered by the Bankruptcy Court on August 30, 2025 [Dkt. # 1592]

4. Docket Sheet for the Bankruptcy Case**5. Additional items (as described in the Docket Sheet for the Bankruptcy Case)**

Appellant designates the following items for inclusion in the record on appeal. Such designation of pleadings and matters of record includes all exhibits attached or referred to in the designated items and all exhibits admitted at the relevant hearings:

Date	Dkt. #	Description
August 24, 2024	7	Debtors' Motion to Assume Certain Executory Contracts with Whinstone US, Inc.
August 29, 2024	35	Declaration of David M. Dunn in Support of Chapter 11 Petitions and First Day Relief
September 11, 2024	135	Official Transcript re: First-Day Motions Hearing Held on August 30, 2024
September 22, 2024	175	Application for an Order Authorizing the Retention of Barnes & Thornburg LLP as Counsel to the Special Committee of the Rhodium Enterprises, Inc. Board of Directors
October 15, 2024	269	Emergency Motion of Debtors for Entry of an Order (I) Setting Bar Dates for Filing Proofs of Claim, (II) Approving the Form of Proofs of Claim and the Manner of Filing, (III) Approving Notice of Bar Dates, and (IV) Granting Related Relief
October 18, 2024	284	Order (I) Setting Bar Dates for Filing Proofs of Claim, (II) Approving the Form of Proofs of Claim and the Manner of Filing, (III) Approving Notice of Bar Dates, and (IV) Granting Related Relief
November 22, 2024	488	The United States Trustee's Notice of Appointment of Committee of Unsecured Creditors
November 26, 2024	498	Statement of the Ad Hoc Group of SAFE Parties Regarding the Hearing to Approve a Sale of a Portion of the Debtors' Assets and the Appointment of the Unsecured Creditors' Committee (Filed by Ad Hoc Group of SAFE Parties)
November 26, 2024	500	Verified Statement of Ad Hoc Group of SAFE Parties Pursuant to Bankruptcy Rule 2019
December 5, 2024	556	Official Transcript re: Trial Day One Held on November 12, 2024, Before Judge Alfredo R. Perez
December 31, 2024	607	First Supplemental Verified Statement of Ad Hoc Group of SAFE Parties Pursuant to Bankruptcy Rule 2019

Date	Dkt. #	Description
January 13, 2025	621	Statement of Ad Hoc Group of SAFE Parties Regarding the Retention of McDermott Will & Emery LLP, as Counsel to the Official Committee of Unsecured Creditors and Genesis Credit Partners LLC, as Financial Advisors to the Official Committee of Unsecured Creditors
January 23, 2025	687	Amended Schedules of Assets and Liabilities for Rhodium Enterprises, Inc.
April 21, 2025	966	Agreed Mediation Order
May 5, 2025	1054	Notice of Filing of the Second Amended Equity List of Rhodium Enterprises, Inc.
May 5, 2025	1057	Debtors' Emergency Motion for Entry of an Order (I) Approving the Accelerated Payment Procedures; and (II) Granting Related Relief
May 12, 2025	1080	Emergency Motion of the SAFE AHG to Compel Production by Imperium Parties and Debtors
May 16, 2025	1113	Opposition to Motion to Compel and Emergency Motion for a Protective Order Regarding Requests for Production of Documents from Ad Hoc Group of SAFE Parties
May 19, 2025	1124	Debtors' Witness and Exhibit List for Hearings Scheduled for May 21, 2025
May 19, 2025	1126	Debtors' Omnibus Objection to Claims Pursuant to Bankruptcy Code Sections 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 Because SAFE Holders Do Not Hold Claims
May 20, 2025	1128	Reply in Support of the Emergency Motion of the SAFE AHG to Compel Production by Imperium Parties and Debtors
May 22, 2025	1171	Joinder of DLT Data Center 1 LLP to the Debtors' Omnibus Objection to Claims Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3009, and Local Rule 3007-1 Because Safe Holders Do Not Hold Claims (Filed by DLT Data Center 1 LLC (DLT 1))
May 22, 2025	1173	Certificate of Service of Andrew Henchen re: 1) Debtors' Omnibus Objection to Claims Pursuant to Bankruptcy Code Sections 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 Because SAFE Holders Do Not Hold Claims and 2) Updated Notice of Hearing (Filed by Kurtzman Carson Consultants, LLC dba Verita Global)
May 23, 2025	1179	Disclosure Statement for Joint Chapter 11 Plan of Rhodium Encore LLC and its Affiliated Debtors
May 26, 2025	1186	Statement in Response to Debtors' Emergency Motion for Entry of an Order (I) Approving the Accelerated Payment Procedures; and (II) Granting Related Relief
May 27, 2025	1198	Order Granting Debtors' Motion for Entry of an Order (I) Approving the Accelerated Payment Procedures; and (II) Granting Related Relief

Date	Dkt. #	Description
June 6, 2025	1243	(Sealed Motion) SAFE AHG Emergency Motion to Terminate Exclusivity
June 6, 2025	1244	SAFE AHG Emergency Motion to Terminate Exclusivity
June 7, 2025	1246	(Sealed Motion) SAFE AHG Amended Emergency Motion to Terminate Exclusivity
June 7, 2025	1247	SAFE AHG Amended Emergency Motion to Terminate Exclusivity
June 9, 2025	1254	Notice of Hearing re: SAFE AHG Amended Emergency Motion to Terminate Exclusivity
June 9, 2025	1255	The United States Trustee's Notice of Reconstitution of Committee of Unsecured Creditors
June 10, 2025	1258	Official Transcript re: Amended Application to Employ Lehotsky Keller Cohn LLP as Special Litigation Counsel Held on June 4, 2025, Before Judge Alfredo R. Perez
June 10, 2025	1264	Second Supplemental Verified Statement of Ad Hoc Group of SAFE Parties Pursuant to Bankruptcy Rule 2019
June 16, 2025	1286	SAFE AHG Objection to Debtors' Amended Third Motion for Entry of an Order (I) Extending the Debtors' Exclusive Periods to File a Chapter 11 Plan and Solicit Acceptance Thereof Pursuant to Section 1121 of the Bankruptcy Code and (II) Granting Related Relief
June 18, 2025	1299	Sealed Motion / SAFE Claimant Response to Claim Objection (Filed by Creditor Ad Hoc Group of SAFE Parties)
June 18, 2025	1300	Liquid Mining Fund III, LLC's Response and Joinder in Opposition to Debtor's Omnibus Objection to Claims [ECF No. 1126] and Request for Hearing (Filed by Liquid Mining Fund III, LLC)
June 18, 2025	1301	SAFE Claimant Response to Claim Objection (Filed by Ad Hoc Group of SAFE Parties)
June 18, 2025	1302	Response and Joinder of Ranger Investment Partners, L.P. and Winchester Partners, L.P. in Opposition to the Debtors' Omnibus Objection (Filed by Ranger Investment Partners, L.P. and Winchester Partners, L.P.)
June 18, 2025	1304	Liquid Mining Fund III, LLC's Supplemental Joinder with ECF Nos. 1301 and 1302 in Opposition to Debtor's Omnibus Objection to Claims [ECF No. 1126] (Filed by Liquid Mining Fund III, LLC)
June 18, 2025	1305	SAFE Claimants' Joinder to SAFE Claimant Response to Claim Objection (Filed by Ad Hoc SAFE Claimants)
June 18, 2025	1306	Joinder of Proof Capital Special Situations Fund to Celsius Holdings US LLC's Response to the Debtors' Omnibus Objection to Claims Pursuant to Bankruptcy Code Section 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 Because Safe Holders Do Not Hold Claims (Filed by Proof Capital Special Situations Fund)

Date	Dkt. #	Description
June 19, 2025	1308	Joinder of the Official Committee of Unsecured Creditors to the SAFE Claimant's Response to the SAFE Claim Objection (Filed by Official Committee of Unsecured Creditors of Rhodium Encore LLC, et al.)
June 19, 2025	1309	Certificate of No Objection re: Debtors' Omnibus Objection to Claims Pursuant to Bankruptcy Code Sections 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1 Because SAFE Holders Do Not Hold Claims (Filed by Rhodium Encore LLC)
June 19, 2025	1313	SAFE AHG and UCC Joint Emergency Request for Status Conference Concerning June 23, 2025, Mediation Related to Claims Against the Debtors' Insiders
June 20, 2025	1316	Scheduling Order [Hearing scheduled for 7/2/2025 at 10:00 AM at telephone and video conference]
June 23, 2025	1346	Third Supplemental Verified Statement of Ad Hoc Group of SAFE Parties Pursuant to Bankruptcy Rule 2019
June 24, 2025	1351	Debtors' Omnibus Reply to Responses to Objection to Claims
June 24, 2025	1352	Joinder of DLT Data Center 1 LLC and Transcend Group to Debtors' Reply in Support of Omnibus Objection to Safe Claims (Filed by DLT Data Center 1 LLC (DLT 1), GR Fairbairn Family Trust, GRF Tiger Trust, Grant Fairbairn Revocable Trust, NC Fairbairn Family Trust, NCF Eagle Trust, Nina Claire Fairbairn Revocable Trust, Transcend Partners Legend Fund LLC, Valley High LP)
June 24, 2025	1353	Witness and Exhibit List (Filed by DLT Data Center 1 LLC (DLT 1), GR Fairbairn Family Trust, GRF Tiger Trust, Grant Fairbairn Revocable Trust, NC Fairbairn Family Trust, NCF Eagle Trust, Nina Claire Fairbairn Revocable Trust, Transcend Partners Legend Fund LLC, Valley High LP)
June 24, 2025	1354	Joinder of Special Committee to Debtors' Omnibus Objection to Claims and Omnibus Reply to Responses to Objection to Claims (Filed by Barnes & Thornburg LLP)
June 25, 2025	1355	Debtors' Witness and Exhibit List for Hearings Scheduled for July 2, 2025 (Filed by Rhodium Encore LLC)
June 25, 2025	1356	Additional Attachments Re: for Debtors' Witness and Exhibit List - Exhibits 51-91 (Filed by Rhodium Encore LLC)
June 26, 2025	1369	Ranger Investment Partners, L.P. and Winchester Partners, L.P.'s Witness and Exhibit List for the Hearing Scheduled for July 2, 2025 at 10:00 a.m. CT (Filed by Ranger Investment Partners, L.P. and Winchester Partners, L.P.)
June 27, 2025	1374	Official Committee of Unsecured Creditors' Witness and Exhibit List for Hearing on July 2, 2025 (Filed by Official Committee of Unsecured Creditors of Rhodium Encore LLC, et al.)

Date	Dkt. #	Description
June 27, 2025	1376	(Sealed Document) SAFE Claimant's Further Response to Omnibus SAFE Objection
June 27, 2025	1377	Response and Joinder of SAFE Claimant's Further Response to Omnibus SAFE Objection (Filed by Liquid Mining Fund III, LLC)
June 27, 2025	1378	Safe Claimant's Further Response to Omnibus Safe Objection (Filed by Celsius Holdings US LLC)
June 27, 2025	1381	SAFE Party Claimants' Joinder to SAFE Claimant's Further Response to Omnibus SAFE Objection
June 27, 2025	1382	Joinder to Safe Claimant's Further Response to Omnibus Safe Objection (Filed by Proof Capital Special Situations Fund)
June 30, 2025	1388	SAFE Claimants' Exhibit and Witness List (Filed by Ad Hoc SAFE Claimants)
June 30, 2025	1390	Exhibit List (Filed by Rhodium Encore LLC)
June 30, 2025	1392	(Sealed Document) Celsius Holdings US LLC's Witness and Exhibit List for the Hearing Scheduled for July 2, 2025, at 10:00 a.m.
June 30, 2025	1394	Witness List, Exhibit List (Filed by Celsius Holdings US LLC)
July 1, 2025	1397	Exhibit List (Filed by Rhodium Encore LLC)
July 1, 2025	1398	Exhibit List (Filed by Rhodium Encore LLC)
July 2, 2025	1401	Notice Slide Presentation for the SAFE Claim Objection Hearing Scheduled for July 2, 2025 (Filed by Rhodium Encore LLC)
July 2, 2025	1402	Notice of Filing of SAFE Claimant's Demonstrative for the Hearing Scheduled for July 2, 2025, at 10:00 a.m. (Central Time) (Filed by Celsius Holdings US LLC)
July 2, 2025	1403	Amended Notice of Slide Presentation (Filed by Rhodium for the July 2, 2025 Hearing)
July 2, 2025	1405	Appearance Sheet for Hearing Held July 2, 2025
July 9, 2025	1431	Notice of Objection to SAFE Holders' Exhibits (Filed by Rhodium Encore LLC)
July 9, 2025	1432	Notice of The SAFE Claimant's Objections to Debtors' July 2, 2025 Hearing Exhibits (Filed by Celsius Holdings US LLC)
July 10, 2025	1434	Transcript RE: Omnibus Objection to Claims held on 07/02/25 before Judge Alfredo R. Perez
July 16, 2025	1446	Debtors' Responses to the SAFE Claimant's Objections to Debtors' July 2, 2025 Hearing Exhibits (Filed by Rhodium Encore LLC)
July 16, 2026	1447	Response to Objections Asserted by Debtors to Exhibits (Filed by Celsius Holdings US LLC)
August 28, 2025	1577	Order on Evidentiary Objections at ECF Nos. 1431, 1432, 1446, and 1447 Related to the Debtors' Omnibus Objection at ECF No. 1126 to the SAFE Proofs of Claim

Date	Dkt. #	Description
August 29, 2025	1591	Limited Response of the Ad Hoc Group of SAFE Parties to Debtors' Omnibus Objection to Certain Claims Pursuant to Bankruptcy Code Sections 502(b), Bankruptcy Rule 3007, and Local Rule 3007-1
August 30, 2025	1592	Memorandum Opinion Overruling Debtors' Omnibus Objection at ECF No. 1126 to the SAFE Proofs of Claim
August 30, 2025	1593	Order Overruling Debtors' Omnibus Objection at ECF No. 1126 to the SAFE Proofs of Claim
September 12, 2025	1640	Notice of Appeal (Filed by DLT Data Center 1, LLC)
September 13, 2025	1642	Notice of Appeal (Filed by Rhodium Encore LLC)
September 13, 2025	1643	Election to Appeal to District Court (Filed by Rhodium Encore LLC)
September 13, 2025	1644	Notice of Appeal (Filed by Transcend Group)
September 13, 2025	1645	Election to Appeal to District Court (Filed by Transcend Group)
September 29, 2025	1724	Appellant's Designation of Record and Statement of Issues on Appeal (filed by Debtor Rhodium Encore LLC)
September 29, 2025	1725	Statement of Issues on Appeal (Filed by Transcend Group)

[Remainder of Page Intentionally Blank]

RESPECTFULLY SUBMITTED this 30th day of September, 2025.

OLSHAN FROME WOLOSKY LLP

By: /s/ Michael S. Fox
Michael S. Fox
Thomas J. Fleming
1325 Avenue of the Americas
New York, New York 10019
(212) 451-2300
Email: mfox@olshanlaw.com
tfleming@olshanlaw.com

Attorneys for DLT Data Center I LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on September 30, 2025, a true and correct copy of this document was electronically served via the Court's CM/ECF system on all parties entitled to such notice.

By: /s/ Michael S. Fox
Michael S. Fox