

**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> , <sup>1</sup>	§	Case No. 24-90448 (ARP)
	§	
Debtors.	§	(Jointly Administered)
	§	

**STIPULATION AND AGREED ORDER REGARDING THE PRODUCTION  
AND USE OF MEDIATION-RELATED DOCUMENTS AND COMMUNICATIONS**

Rhodium Encore LLC and each of its associated debtors and debtors in possession (the “**Debtors**” or “**Rhodium**”) in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”); the Ad Hoc Group of SAFE Parties (the “**SAFE AHG**”); Transcend Partners Legend Fund LLC, Valley High LP, GR Fairbairn Family Trust, Grant Fairbairn Revocable Trust, Nina Claire Fairbairn Revocable Trust, NCF Eagle Trust, GRF Tiger Trust, and NC Fairbairn Family Trust’s (collectively, the “**Transcend Group**”); and the Special Committee of the Board of Directors of Debtor Rhodium Enterprises, Inc. (the “**Special Committee**,” and together with the Debtors, SAFE AHG, and Transcend Group, the “**Parties**”), by and through their undersigned counsel, hereby stipulate and agree as set forth below in this stipulation and agreed order (the “**Stipulation**”).

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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), 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.



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## RECITALS

**WHEREAS**, in connection with the *First Am. Joint Ch. 11 Plan of Liquidation of Rhodium Encore LLC and its Affiliated Debtors* [Docket No. 1821] and as may be amended from time to time (the “**Plan**”) and the *Disclosure Statement for First Amended Joint Chapter 11 Plan of Liquidation of Rhodium Encore LLC and its Affiliated Debtors* [Docket No. 1822] (the “**Disclosure Statement**”), discovery requests (“**Plan Requests**”) have been served by one or more of the Parties calling for the disclosure of certain information and communications that relate to mediations (the “**Mediations**”) involving the Parties in these Chapter 11 Cases and that are, or may be, subject to mediation confidentiality (the “**Subject Information**”); and

**WHEREAS**, the Plan Requests have been withdrawn, but Subject Information may nevertheless be submitted for the limited purposes described below; and

**WHEREAS**, the Parties have conferred and agreed on how to handle the Subject Information to the extent used or produced during discovery in these Chapter 11 Cases;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:**

1. Subject Information shall not be used for purposes of proving or disproving the validity or amount of any claims that the Mediations were convened to resolve, but instead solely for the purpose of considering other issues relating to the adequacy of the Disclosure Statement and confirmation of the Plan, such as, by way of example, consideration of the SAFE AHG Substantial Contribution Claim.

2. Subject Information shall be marked or otherwise designated as “Mediation Confidential,” and its further use and disclosure shall be limited as provided under Section 5.2(A)-(H) of the *Stipulated Protective Order* [Docket No. 152] relating to Confidential Information, provided that Subject Information shall not be used at any hearing or trial that is open to the public

absent further agreement or order by the Court.

3. Except to the extent modified by the express terms hereof, the *Agreed Mediation Order* [Docket No. 966] remains in full force and effect.

**STIPULATED AND AGREED:**

Dated: November 30, 2025  
Houston, Texas

**AKIN GUMP STRAUSS HAUER & FELD  
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*Attorneys for the Transcend Group*

**SO ORDERED.**

Dated:                      ●, 2025  
Houston, Texas

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Hon. Alfredo Perez  
United States Bankruptcy Judge