

**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)
	§	

**DECLARATION OF MITCHELL P. HURLEY IN SUPPORT OF PLAN
CONFIRMATION**

Under 28 U.S.C. § 1746, I, Mitchell P. Hurley, declare under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. I am an attorney in good standing and duly licensed to practice law in the State of New York. I have been admitted to practice *pro hac vice* before this Court in connection with this matter. I am a partner at the law firm of Akin Gump Strauss Hauer & Feld LLP (“Akin”).
2. I am lead counsel to the Ad Hoc Group of SAFE Parties (“SAFE AHG”) in connection with this matter.
3. I submit this Declaration in support of the *Plan Proponents’ Memorandum of Law in Support of Confirmation of the Second Amended Joint Chapter 11 Plan of Reorganization of Rhodium Encore LLC and its Affiliated Debtors*, which is submitted contemporaneously herewith.²

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.

² All terms not defined in the Declaration have the meaning given to them in the Plan, the *Disclosure Statement for the First Amended Joint Chapter 11 Plan of Liquidation of Rhodium Encore LLC and Its Affiliated Debtors* [Dkt.



4. Much of the evidence in support of the SAFE Substantial Contribution Claim is provided in the accompanying Declaration of David Eaton, one of the Debtors' independent directors, and a member of the Debtors' special committee of the board of directors of Rhodium Enterprises, Inc. ("Special Committee"), or in the exhibits attached to the accompanying Joint Exhibit List for Hearings Scheduled for December 3, 2025, or is otherwise available on the Court's docket. [REDACTED]

[REDACTED]

[REDACTED]

5. The SAFE AHG's counsel followed closely the pleadings and proceedings relating to the Debtors' motion to assume contracts pursuant to which Whinstone supplied power to the Debtors at below market rates (the "Power Contracts"). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

No. 1832] or the *Plain Proponents' Memorandum of Law in Support of Confirmation of the Second Amended Joint Chapter 11 Plan of Liquidation of Rhodium Encore LLC and its Affiliated Debtors*.

6. The Whinstone mediation proceeded in person in Dallas on the morning of February 19, 2025. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dated: December 1, 2025

/s/ Mitchell P. Hurley
Mitchell P. Hurley