

**Form No. 9017-1(c)(2)(B)**  
**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE SOUTHERN DISTRICT OF TEXAS**  
**HOUSTON DIVISION**

**In re:**

<b>RHODIUM ENCORE LLC, <i>et al.</i>,<sup>1</sup></b>	<b>§</b>	<b>CASE NO. 24-90448 (ARP)</b>
<b>Debtor(s)</b>	<b>§</b>	<b>Chapter 11</b>

**NOTICE OF INTENT TO ADDUCE TESTIMONY FROM A REMOTE LOCATION  
BY TELEPHONE AND VIDEO TECHNOLOGY**

1. This Notice is filed pursuant to BLR 9017-1(c)(2)(B) by the Special Committee of the Board of Directors of Rhodium Enterprises, Inc.
2. This Notice pertains to the matters scheduled for hearing or trial in this case on December 11, 2025, at 1:00 P.M, and December 17, 2025, at 1:00 PM.
3. The party filing this Notice intends to call David Eaton to testify at the scheduled hearing or trial by telephone and video technology.
4. Because this hearing is being scheduled very close in time to the actual hearing, Mr. Eaton has unavoidable travel planned, and will be in Argentina at the time of the hearing for a milestone birthday of his wife. Because of his travel, he can appear remotely at this hearing, but not in person. In determining when to schedule this continued hearing, counsel for the Special Committee raised the need for Mr. Eaton to appear remotely on these dates to the Court's case manager. The Court's case manager represented the Court was fine with remote testimony and requested this Notice be submitted for any objections to be addressed at the hearing. See Exhibit A.
5. This Notice may be withdrawn at any time prior to the scheduled hearing or trial.

Date: December 9, 2025

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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), 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 Debtors in these Chapter 11 Cases is 2617 Bissonnet Street, Suite 234, Houston, TX 77005.

**Southern District of Texas Notice Intent To Adduce Testimony From A Remote Location By Telephone And Video Technology**

**(Last amended July 28, 2023)**



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BARNES & THORNBURG LLP

/s/ Trace Schmeltz

Vincent P. (Trace) Schmeltz III (pro hac vice)

Kenneth Kansa (pro hac vice)

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*Counsel for Special Committee of the  
Board of Directors of Rhodium  
Enterprises, Inc.*

# **EXHIBIT A**

**From:** Schmeltz, Trace  
**To:** Tyler Laws; Cameron Kelly  
**Cc:** Hurley, Mitchell; Patty Tomasco; Chase Potter; sschultz\_akingump.com; Wolfshohl, Joshua W.; Will Thompson; Lohse, Paige  
**Subject:** RE: In re Rhodium Encore LLC et al. - Case No. 24-90448 (ARP)  
**Date:** Monday, December 8, 2025 5:04:24 PM  
**Attachments:** image001.png

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Will do. Thank you.

**Trace Schmeltz**

Partner

Direct: (312) 214-4830 | Mobile: (312) 731-1980

Chicago, IL



**From:** Tyler Laws <Tyler\_Laws@txs.uscourts.gov>  
**Sent:** Monday, December 8, 2025 4:16 PM  
**To:** Schmeltz, Trace <TSchmeltz@btlaw.com>; Cameron Kelly <cameronkelly@quinnemanuel.com>  
**Cc:** Hurley, Mitchell <mhurley@AkinGump.com>; Patty Tomasco <pattytomasco@quinnemanuel.com>; Chase Potter <potter@imcplaw.com>; sschultz\_akingump.com <sschultz@akingump.com>; Wolfshohl, Joshua W. <jwolfshohl@porterhedges.com>; Will Thompson <will@lkcfirm.com>; Lohse, Paige <Paige.Lohse@btlaw.com>  
**Subject:** [EXTERNAL] RE: In re Rhodium Encore LLC et al. - Case No. 24-90448 (ARP)

**Caution: This email originated from outside the Firm.**

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Good afternoon,

The Court would prefer the standard "Notice of Intent to Adduce Testimony from a Remote Location by Telephone and Video" be filed on the docket in the case. If this draw objections the Court will handle that at the hearing.

Thanks,

**Tyler Laws, Case Manager**

The Honorable Alfredo R Pérez

United States Bankruptcy Court for the Southern District of Texas

515 Rusk Street, 4th Floor

Houston, Texas 77002

(713) 250-5421

United States Bankruptcy Judge Alfredo R. Pérez

**From:** Schmeltz, Trace <TSchmeltz@btlaw.com>

**Sent:** Monday, December 8, 2025 4:13 PM

**To:** Tyler Laws <Tyler\_Laws@txs.uscourts.gov>; Cameron Kelly <cameronkelly@quinnemanuel.com>

**Cc:** Hurley, Mitchell <mhurley@AkinGump.com>; Patty Tomasco  
<pattytomasco@quinnemanuel.com>; Chase Potter <potter@imcplaw.com>;

sschultz\_akingump.com <sschultz@akingump.com>; Wolfshohl, Joshua W.  
<jwolfshohl@porterhedges.com>; Will Thompson <will@lkcfirm.com>; paige.lohse\_btlaw.com  
<paige.lohse@btlaw.com>

**Subject:** RE: In re Rhodium Encore LLC et al. - Case No. 24-90448 (ARP)

**CAUTION - EXTERNAL:**

Mr. Laws –

Does the Judge want us to make a formal motion for remote testimony or are we good to proceed based on your e-mail?

Thanks.

**Trace Schmeltz**

Partner

Direct: (312) 214-4830 | Mobile: (312) 731-1980

Chicago, IL



**From:** Tyler Laws <Tyler\_Laws@txs.uscourts.gov>

**Sent:** Monday, December 8, 2025 3:04 PM

**To:** Cameron Kelly <cameronkelly@quinnemanuel.com>

**Cc:** Hurley, Mitchell <mhurley@AkinGump.com>; Patty Tomasco  
<pattytomasco@quinnemanuel.com>; Schmeltz, Trace <TSchmeltz@btlaw.com>; Chase Potter  
<potter@imcplaw.com>; sschultz\_akingump.com <sschultz@akingump.com>; Wolfshohl, Joshua W.  
<jwolfshohl@porterhedges.com>; Will Thompson <will@lkcfirm.com>

**Subject:** [EXTERNAL] RE: In re Rhodium Encore LLC et al. - Case No. 24-90448 (ARP)

**Caution: This email originated from outside the Firm.**

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Good afternoon,

th

If the parties are ok with the adjournment of the remand hearing on the 11<sup>th</sup>, the Court could do an hour (1pm-2pm) that day and resume after that with the time we have reserved for 12/17 at 1:00 pm. From speaking with the Court, it is my understanding he wishes to couple confirmation and LKC together. Also, the Court is fine with the remote testimony.

Please let me know if that works.

Thanks,

**Tyler Laws, Case Manager**

The Honorable Alfredo R Pérez

United States Bankruptcy Court for the Southern District of Texas

515 Rusk Street, 4th Floor

Houston, Texas 77002

(713) 250-5421

United States Bankruptcy Judge Alfredo R Pérez

**From:** Cameron Kelly <cameronkelly@quinnemanuel.com>

**Sent:** Monday, December 8, 2025 2:11 PM

**To:** Tyler Laws <Tyler\_Laws@txs.uscourts.gov>

**Cc:** Hurley, Mitchell <mhurley@AkinGump.com>; Patty Tomasco <pattytomasco@quinnemanuel.com>; tschmeltz\_btlaw.com <tschmeltz@btlaw.com>; Chase Potter <potter@imcplaw.com>; sschultz\_akingump.com <sschultz@akingump.com>; Wolfshohl, Joshua W. <jwolfshohl@porterhedges.com>; Will Thompson <will@lkcfirm.com>

**Subject:** In re Rhodium Encore LLC et al. - Case No. 24-90448 (ARP)

**CAUTION - EXTERNAL:**

Hi Tyler,

We write in connection with scheduling the resumed hearing on the LKC fee objection (the "Objection") in the above-referenced cases.

The Plan Proponents believe that the largely uncontested Plan can be confirmed before the Objection is resolved, including because the Plan reserves the full amount sought by LKC on its fee application. However, to the extent the Court views confirmation and the Objection as coupled, the Plan Proponents wish to resume the hearing on the next date that is available to the Court, as the Plan Proponents are eager to cut off any continuing professional fees and administrative costs by emerging as promptly as possible. The Debtors understand that two days in December may be available for the resumed hearing on the Objection. First, counsel for Transcend, copied here, is willing to adjourn the remand hearing currently scheduled in the pending adversary proceeding before the Court at 1:00 p.m. on December 11, 2025, and to offer that slot as an option for finishing the LKC hearing, if the Court is amenable to so proceeding (with the remand hearing being rescheduled for a later date). Second, the Plan Proponents are willing to resume the LKC hearing on

December 17, 2025, a date on which we understand the Court is available. On either date, the Debtors would ask permission to present Mr. Eaton's testimony remotely. To the extent remote testimony is not permitted, the Debtors would be prepared to proceed on either date with live testimony from Mr. Wells (the other member of the Debtor's Special Committee) in lieu of remote testimony from Mr. Eaton.

Alternatively, if the Court were inclined to confirm the Plan before resolution of the Objection, resuming the LKC hearing would be less urgent from the Plan Proponents' perspective. In that event, the Plan Proponents would respectfully ask the Court to provide potential alternate dates in January 2026, and would work to make Mr. Eaton available for live testimony at a reconvened hearing early next year. For the avoidance of doubt, however, the Debtors will work around their scheduling challenges and proceed on December 11 or 17 to the extent the Court prefers, and/or to the extent the Court intends to resolve the Objection before ruling on confirmation.

Thank you for your continuing time and attention to this matter, and please let us know if we can provide any other information.

Best,

Cameron Kelly  
*Associate,*

**Quinn Emanuel Urquhart & Sullivan, LLP**

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