

Fill in this information to identify the case:

Debtor Rhodium 30MW LLC

United States Bankruptcy Court for the: Southern District of Texas
(State)

Case number 24-90453

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>Colin Hutchings</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	☒ No ☐ Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? Colin Hutchings 592 Calle Mar Indico URB Paseos Los Corales I Dorado, PR 00646 Contact phone <u>503-830-3123</u> Contact email <u>hutch.colin@gmail.com</u>	Where should payments to the creditor be sent? (if different) Colin Hutchings 15 Pl. Ninoshka URB Est. de Cerro Gordo Vega Alta, PR 00692 Contact phone <u>503-830-3123</u> Contact email _____
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. Does this claim amend one already filed?	☒ No ☐ Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	☒ No ☐ Yes. Who made the earlier filing? _____	



Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	☒ No ☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: __ __ __ __
7. How much is the claim?	\$ <u>2575452.90</u> Does this amount include interest or other charges? ☒ No ☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>Debt and equity owed due to fraudulent activities and misrepresentation</u>
9. Is all or part of the claim secured?	☒ No ☐ Yes. The claim is secured by a lien on property. Nature or property: ☐ Real estate: If the claim is secured by the debtor's principle residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . ☐ Motor vehicle ☐ Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % ☐ Fixed ☐ Variable
10. Is this claim based on a lease?	☒ No ☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	☒ No ☐ Yes. Identify the property: _____



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check all that apply:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Amount entitled to priority

\$ _____

☐ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. 503(b)(9)?

☒ No

☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 11/22/2024
MM / DD / YYYY

/s/Colin Hutchings
Signature

Print the name of the person who is completing and signing this claim:

Name Colin Hutchings
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 15 P1 Ninoshka, URB Est. de Cerro Gordo, Vega Alta, PR, 00692

Contact phone 503-830-3123 Email hutch.colin@gmail.com



Verita (KCC) ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (888) 733-1541 | International 001-310-823-9000

Debtor: 24-90453 - Rhodium 30MW LLC District: Southern District of Texas, Houston Division		
Creditor: Colin Hutchings 592 Calle Mar Indico URB Paseos Los Corales I Dorado, PR, 00646 Phone: 503-830-3123 Phone 2: Fax: Email: hutch.colin@gmail.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: No Related Claim Filed By:	
	Filing Party: Creditor	
Disbursement/Notice Parties: Colin Hutchings 15 Pl. Ninoshka URB Est. de Cerro Gordo Vega Alta, PR, 00692 Phone: 503-830-3123 Phone 2: Fax: E-mail: DISBURSEMENT ADDRESS		
Other Names Used with Debtor:	Amends Claim: No Acquired Claim: No	
Basis of Claim: Debt and equity owed due to fraudulent activities and misrepresentation	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 2575452.90	Includes Interest or Charges: No	
Has Priority Claim: No	Priority Under:	
Has Secured Claim: No Amount of 503(b)(9): No Based on Lease: No Subject to Right of Setoff: No	Nature of Secured Amount: Value of Property: Annual Interest Rate: Arrearage Amount: Basis for Perfection: Amount Unsecured:	

Submitted By:

Colin Hutchings on 22-Nov-2024 6:02:16 p.m. Eastern Time

Title:**Company:****Optional Signature Address:**

15 Pl Ninoshka

URB Est. de Cerro Gordo

Vega Alta, PR, 00692

Telephone Number:

503-830-3123

Email:

hutch.colin@gmail.com

ADDENDUM TO PROOF OF CLAIM FILED BY COLIN HUTCHINGS

Claimant COLIN HUTCHINGS hereby submits this Addendum in support of its proof of claim. In or around January 2021, Hutchings invested \$400,000.00 into Rhodium 30MW in exchange for equity in Rhodium 30MW and a secured note for \$88,063.72. Its equity in Rhodium 30MW was converted into equity in Rhodium Enterprises Inc. during a rollup transaction.

Hutchings gives notice of potential claims against Rhodium 30MW, Rhodium JV LLC (as manager and post-rollup sole member of Rhodium 30MW), Rhodium Enterprises, LLC, and Rhodium Technologies LLC (as sole member of Rhodium JV)(in addition to non-debtor parties and potentially other Rhodium debtor entities (herein altogether generally, “Rhodium”) related to his investment in Rhodium 30MW. These claims include but are not limited to: [1] payment of his secured debt, [2] unliquidated damages under contract and tort, as well as equitable relief, arising out of misrepresentations and omissions made during the procurement of the investment in Rhodium 30MW, [3] unliquidated damages due to gross mismanagement of the business before and after the consolidation and “rollup transaction”, corporate waste, diversion of corporate opportunities, self-dealing, and related breaches of fiduciary duties in conducting the operations of Rhodium 30MW and the operation(s) of its successor(s), and [4] unliquidated damages due to misrepresentations and self-dealing in the combination of Rhodium 30MW with other Rhodium entities and thereafter.

Hutchings is owed \$88,063.72 plus continuing interest for its secured debt secured by a promissory note and Texas UCC-1 filing (attached to POC which is wholly incorporated herein by reference) and which is past the 36-month maturity date of January 25, 2024.

The misrepresentations and omissions at issue include, but are not necessarily limited to:

- Misrepresentations and omissions made to Hutchings that were designed to induce his investment in Rhodium 30MW and mislead him as to the relationship between Whinstone US Inc. (“Whinstone”) and Rhodium JV, the status of Building D, the intent to repay the debt portion of Rhodium 30MW within months as an inducement to accept a below-market interest rate, the business plan to simply mine bitcoin and sell it on the market as opposed to holding it for investment or purchasing bitcoin for investment, among others; and
- Continuing misrepresentations about the above factors, the rights of various parties, and misrepresentations about the Rhodium business and its relationship with Whinstone, and managements’ intentions in order to induce Hutchings to sign the Exchange Agreement as part of the Rollup transaction.

The mismanagement and breaches of fiduciary duties include, but are not necessarily limited to:

- After the rollup transaction, Rhodium represented that Hutchings’s shares were worth \$2,575,452.89, whereas the value of the entire business was north of \$2.5 billion. The Teknos valuation attached to the Rollup PPM (Rollup PPM at pdf.57) implies cash revenues for Rhodium 30MW of approximately \$143 million, and EBITDA of approximately \$114 million for the prior twelve months. Rhodium 30MW is suggested in its current filings to have generated \$60 million in cash revenues since the beginning of 2022. Most, if not all, of the entire value has been destroyed due to Rhodium’s negligence, gross mismanagement, self-dealing, misrepresentations and omissions, and wasting corporate assets, among other malfeasance.

DISCLOSED CLAIMS

Hutchings believes it has, among other things, claims for breach of contract, fraud, conversion, equitable restitution, disgorgement, breaches of fiduciary duty, negligence, gross negligence, unjust enrichment, and other claims arising from Rhodium’s malfeasance and wrongful conduct. Hutchings may have additional unliquidated claims or remedies

against other debtors or non-debtor entities or persons whose role or culpability is not yet known to Hutchings, and Hutchings does not waive or release any such claims, rights, or remedies.

RESERVATION

Hutchings reserves the right to further amend and/or supplement this disclosure.

Nothing herein should be construed as an agreement to submit any claim that is not currently within the jurisdiction of the bankruptcy court, to the jurisdiction of the bankruptcy court or to waive trial by jury over any claim. Nor should this claim be construed as consent to the jurisdiction of the bankruptcy court for any purpose other than the limited purpose of giving notice. Nothing herein should be construed as an intentional or knowing release of any claim or any right against any person whether arising out of law or contract.