

Fill in this information to identify the case:

Debtor 1 Rhodium Enterprises, Inc.Debtor 2  
(Spouse, if  
filing)United States Bankruptcy Court for the: Southern District of Texas, Houston DivisionCase number 24-90454Official Form 410**Proof of Claim**

8/22

**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 of 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?**Caleb VanZoeren

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?**Federal Rule of  
Bankruptcy Procedure  
(FRBP) 2002(g)**Where should notices to the creditor be sent?**Caleb VanZoeren  
c/o Winstead PC Attn: Annmarie Chiarello  
Name  
500 Winstead Building, 2728 N. Harwood Street  
Number StreetDallas TX 75201  
City State ZIP CodeContact phone (214) 745-5410Contact email achiarello@winstead.comUniform claim identifier for electronic payments in chapter 13 (if you use one):  
\_\_\_\_\_**Where should payments to the creditor be sent? (if different)**Caleb VanZoeren  
Name1005 Riverside Road  
Number StreetOld Hickory TN 37138  
City State ZIP CodeContact phone (434) 249-1511Contact email calebvz@hotmail.com**4. Does this claim amend one already filed?**☒ No☐ Yes. Claim number on court claims registry \_\_\_\_\_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? At least, \$265,000.00  
See attached addendum

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.  
See attached addendum

9. Is all or part of the claim secured? ☒ No  
☐ Yes. The claim is secured by a lien on property.

**Nature of property:**  
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
☐ Motor vehicle  
☐ Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_  
 Attach redacted copies of document, 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 amounts 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: See attached addendum

12. Is all or part of the claim entitled to ☒ No  
☐ Yes. Check all that apply:

**Amount entitled to priority**

**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.

- ☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ \_\_\_\_\_
- ☐ 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). \$15,150 \_\_\_\_\_
- ☐ 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.

**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 acknowledgment 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 a 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 4/28/2025  
MM / DD / YYYY

Signature

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

Name	<u>Caleb</u>	<u>VanZoeren</u>
	First name	Middle name Last name
Title	<u>Individual</u>	
Company	<u>Individual</u>	
	Identify the corporate servicer as the company if the authorized agent is a servicer	
Address	<u>1005</u>	<u>Riverside Road</u>
	Number	Street
	<u>Old Hickory</u>	<u>TN</u>
	City	State ZIP Code
Contact phone	<u>(434) 249-1511</u>	Email <u>calebvz@hotmail.com</u>

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	<b>Chapter 11</b>
	§	
<b>RHODIUM ENTERPRISES, INC.,</b>	§	<b>Case No. 24-90454</b>
	§	
<b>DEBTOR.</b>	§	
	§	

**ADDENDUM TO PROOF OF CLAIM FILED BY CALEB VANZOEREN**

**Claimant and Basis, Description of Claim, and Amount of Claim:**

The Proof of Claim to which this Addendum is attached, and of which this Addendum is a part, asserts the claim of Caleb VanZooeren (the "Employee") against Rhodium Enterprises, Inc. (the "Debtor") in the above-captioned and styled bankruptcy case (the "Bankruptcy Case").

On August 29, 2024 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code"), thereby initiating the Bankruptcy Case.

Prior to the Petition Date, the Debtor and the Employee were parties to the following (collectively and as may or has been amended, supplemented, or modified from time to time, the "Contract")<sup>1</sup>

- That certain Executive Employment Agreement by and between the Employee and Rhodium Shared Services LLC, effective January 1, 2023;
- That certain Amendment to Executive Employment Agreement by and between the Employee and Rhodium Shared Services LLC, effective January 1, 2023;
- That certain Rhodium Enterprises, Inc. Amended & Restated 2022 Omnibus Incentive Plan by and between the Debtor and the Employee and Restrict Stock Unit Grant Notices issued pursuant to the same;
- That certain Incentive Unit Award Agreement by and between Rhodium Technologies, LLC and the Employee, dated January 1, 2021;

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<sup>1</sup> A true and correct copy of the Contract is incorporated herein for all purposes. The Contract is voluminous and not attached hereto. Subject to an appropriate protective order or confidentiality agreement, the Contract will be made available by contacting Annmarie Chiarello at [achiarello@winstead.com](mailto:achiarello@winstead.com).

As of the Petition Date, the Debtor was indebted to the Employee in the amount of at least \$265,000.00 pursuant to the Contract and the breach of the same (collectively, the "Claim").

\$15,150 of the Claim is entitled to priority wage claim status pursuant to Section 507(a)(4) of the Bankruptcy Code because the Claim include wages, salaries, or commissions, including vacation, severance, and sick leave pay under the Contract.

For the avoidance of doubt, the claims asserted and set forth in this Proof of Claim are filed as unsecured claims. The Employee reserves all right of setoff pursuant to Section 553 of the Bankruptcy Code and the Contract.

However, in addition to the foregoing claims, and with regard to any unliquidated or contingent claim, while such claim (or claims) cannot be reasonably calculated at this time, the Employee does not waive and expressly reserves his rights thereto by not stating a specific amount at this time. The Employee further reserves the right to claim that all or any portion of the amounts claimed in this Proof of Claim after the Petition Date are administrative expenses entitled to an administrative claim pursuant to section 507(a) of the Bankruptcy Code.

**Reservation of Rights:**

The Employee's claim(s) on account of the Claim constitutes unsecured claim(s) as provided by Section 502 of the Bankruptcy Code, and as otherwise provided by the Bankruptcy Code and applicable law. Interest, costs of collection, attorneys' fees, and other associated costs and expenses continue to accrue following the Petition Date, pursuant to the provisions of the Contract, except to the extent prohibited by the Bankruptcy Code and applicable law.

The Employee reserves the right to amend or supplement this Proof of Claim at any time and for any reason, including, without limitation: (a) to increase or otherwise adjust the total claim amount, or any component thereof, as a result of additional information or otherwise; (b) to revise

estimated amounts or substitute actual amounts for estimated amounts; and (c) to revise any of the statements and information contained herein or to add new information and/or documents relating to the claim asserted hereby.

The filing of this Proof of Claim is not an election of remedies, and the Employee does not waive, and expressly reserves, any and all rights it may have under the Contract, any related document, instrument or agreement, or applicable law against any person, entity, or property relating to the Contract and/or the claim asserted hereby, including, without limitation, the Debtor, or any of the Debtor's affiliates or other obligors under the Contract or any other related agreement.

**DATED: April 28, 2025**