Docket #0451 Date Filed: 6/2/2026

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

In re:	)	**Case No.: 26-90440(CML)**
	)	**Jointly Administered**
ASCEND ELEMENTS, INC. ET AL.[1],	)	
	)	**Chapter 11**
Debtors.	)	
	)	

MINER, LTD., d/b/a GREAT LAKES DOCK & DOOR'S LIMITED OBJECTION TO PROPOSED SALE OF HOPKINSVILLE, KY PROPERTY

Miner, Ltd., d/b/a Great Lakes Dock & Door ("Miner"), by and through its undersigned counsel, files this limited objection (this "Limited Objection") to Debtor's sale of the Ascend Elements Battery Recycling Facility located in Hopkinsville, Kentucky pursuant to section 363 of the Bankruptcy Code (the "Sale") to Turner-Kokosing Joint Venture ("TKJV"). In support of this Limited Objection, Miner states as follows:

BACKGROUND

1. Debtor, Ascend Elements, Inc. ("Debtor"), is the owner of certain real property located in Hopkinsville, Kentucky.

2. TKJV serves as the general contractor for the construction of and improvements to the property known as the Ascend Elements Battery Recycling Facility in Hopkinsville, Kentucky (the "Project"), located at 6505 John Rivers Road, Hopkinsville, Kentucky 42240 (the "Hopkinsville Property").

3. Miner and TKJV entered into a written subcontract agreement dated December 5, 2023, revised February 23, 2024 (the "Subcontract"), whereby Miner agreed to furnish and install

[1] The debtors in these chapter 11 cases ("Debtors"), along with the last four digits of each Debtor's federal tax identification number, are: (i) Ascend Elements, Inc. (2893), and (ii) Ascend Elements US, LLC (8309). Debtors' service address is: 133 Flanders Road, Westborough, MA 01581.

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certain overhead doors and related parts and services (the "Doors") as part of the Project located at the Hopkinsville Property.

4. Miner furnished and installed the Doors at the Hopkinsville Property as part of the Project in accordance with the Subcontract and was not paid in full for its labor and materials. Miner is owed an amount no less than $683,174.02 under the Subcontract and applicable law.

5. In correspondence dated on or about December 4, 2024, Miner provided notice to Debtor and TKJV of its intention to hold the Hopkinsville Property liable for the balance of $683,174.02 owed to Miner under the Subcontract, if necessary, by way of a mechanic's lien and/or materialman's lien pursuant to KRS 376.010.

6. Miner recorded and subscribed a sworn Statement of Mechanic's and Materialman's Lien with the office of the Christian County Clerk in the amount of $683,174.02, plus interest at the legal rate, on February 4, 2025 (the "Miner Lien"). A true and accurate copy of the Lien is attached hereto as Exhibit A.

7. Miner filed claims to enforce the Miner Lien in *Turner-Kokosing Joint Venture, et. al., v. Ascend Elements, Inc., et al.*, Case No. 25-CI-00120, pending in Christian County Circuit Court.

8. On April 9, 2026, Debtors filed their voluntary petition under Chapter 11 of the Bankruptcy Code.

9. On April 17, 2026, this Court entered the *Order (A) Approving Bid Procedures, (B) Authorizing Designation of a Stalking Horse Bidder, (C) Scheduling an Auction, Related Deadlines, and a Sale Hearing, and (D) Granting Related Relief* (the "Bid Procedures Order") [Dkt. No. 120], whereby the Court established a sale process to auction Debtors' assets, including the Hopkinsville Property.

10. On May 26, 2026, an auction was held, and, on May 27, 2026, Debtors filed a *Notice of Successful Bidder and Back Up Bidder* [Dkt. No. 407], which identified TKJV as the Successful Bidder for the Hopkinsville Property.

LIMITED OBJECTION

11. Miner objects to the sale order to the extent that it affects, releases, discharges, waives, or otherwise impairs any claims, counterclaims, crossclaims, rights, remedies, defenses, or causes of action Miner has against TKJV or any other non-Debtor party regardless of whether claims are asserted in this bankruptcy case, in state court, or otherwise.

JOINDER AND RESERVATION OF RIGHTS

12. Miner joins in all other objections filed or argued by other subcontractors with respect to the proposed sale to the extent not contrary to relief requested herein.

13. Miner reserves the right to amend or supplement this Limited Objection, and to raise additional objections at the Sale Hearing, and to assert any and all claims, rights, and/or causes of action against Debtors, TKJV, or other parties.

WHEREFORE, Miner requests that this Court sustain this Limited Objection and grant all other just and proper relief.

Dated: June 2, 2026

Respectfully Submitted,

BARNES & THORNBURG LLP

/s/ Josh Brandau

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Attorneys for Miner, Ltd., d/b/a Great Lakes Dock & Door

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 2, 2026, a true and correct copy of the foregoing document was served by electronic transmission via the Court's CM/ECF system upon all parties registered to receive electronic notice in this bankruptcy case.

/s/ Josh Brandau
Josh Brandau

EXHIBIT A

Filed: 02/04/2025 10:22:34 AM
BK 8 PG 16 - 17 (2) DOC# 10061473
Melinda A. Humphries, County Clerk
Christian County, KY
Received By: Y. WICKHAM
Transfer Tax Paid: $0.00

STATEMENT OF MECHANIC'S AND MATERIALMAN'S LIEN

Notice is hereby given that **Miner, Ltd.**, whose address is 11827 Tech Com Road, #115, San Antonio, Texas 78233, claims a lien in the sum of **$683,174.02** against the real estate owned by **Ascend Elements, Inc.**, whose address is 133 Flanders Road, Westborough, Massachusetts 01581. Said real estate is located at 6505 John Rivers Road, Hopkinsville, Christian County, Kentucky 42240, is commonly known as "Ascend Elements", and is more particularly described in Exhibit "A" attached hereto.

Miner, Ltd., furnished services and materials for improvement of said property under a contract with Turner-Kokosing Joint Venture, whose address is 28 N. St. Clair Street, Suite 200, Toledo, Ohio 43604. Said services and materials were furnished on and prior to September 16, 2024.

The full value of the services and materials that Claimant furnished for said improvements which is now due and owing is the sum of $683,174.02, with interest thereon at the legal rate, and against which there are no remaining just credits or set-offs known to Claimant or Affiant.

STATE OF KENTUCKY)
) SS:
COUNTY OF CAMPBELL)

Julie A. Neuroth, being first duly cautioned and sworn, states that she is attorney for Miner, Ltd., and that the information contained in the foregoing Statement of Mechanic's and Materialman's Lien is true as she verily believes.

Julie A. Neuroth (#88509)
YOCUM & NEUROTH, LLC
1 Levee Way, Suite 3109
Newport, Kentucky 41071
Phone: (859) 291-5500
E-mail: julie@ynlawusa.com

Sworn to before me and subscribed by Julie A. Neuroth, Esq., attorney for Miner, Ltd., in my presence this 5th day of January, 2025.

THOMAS R. YOCUM NOTARY PUBLIC Comm. # KYNP61943 COMMISSION EXPIRES 11/5/2026 COMMONWEALTH OF KENTUCKY

Notary Public

This instrument prepared by: Julie A. Neuroth, Esq., Yocum & Neuroth, LLC, 1 Levee Way, Suite 3109, Newport, Kentucky 41071 - (859) 291-5500.

EXHIBIT A

Legal Description

Parcel I:

Lot 1 of the Division Plat of Hopkinsville Industrial Foundation, Inc. Property, recorded in Plat Cabinet 12, Slide 519 in the Christian County, Kentucky Clerk's Records.

Parcel II:

Lot 2 of the Division Plat of Hopkinsville Industrial Foundation, Inc. Property, recorded in Plat Cabinet 12, Slide 519 in the Christian County, Kentucky Clerk's Records.

Each parcel being a portion of the property acquired by Grantor pursuant to (a) that Deed, dated November 16, 2022 and recorded at Deed Book 797 Page 308 in the Christian County, Kentucky Clerk's Office and (b) that Deed, dated January 24, 2022, recorded at Deed Book 786, Page 334 in the Christian County, Kentucky Clerk's Office.