Docket #0055 Date Filed: 10/28/2026
United States Bankruptcy Court
Southern District of Texas
ENTERED
October 28, 2026
Nathan Ochsner, Clerk

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

IN RE:	§	
	§	**CASE NO: 24-90454**
RHODIUM ENTERPRISES, INC.,	§	
Debtors.	§	**Jointly Administered**
	§	**CHAPTER 11**

ORDER ADMITTING CONTESTED EXHIBITS

Pending before the Court is the admissibility of Wind Down Debtors' Exhibits 54 through 57 and 61 through 64 (the "Contested Exhibits") offered in connection to a hearing before this Court on two motions for sanctions[1] filed by the Debtors against Midas Green Technologies LLC ("Midas Green").

On September 11, 2026, the Wind Down Debtor submitted *The Wind Down Debtor's Amended Witness and Exhibit List for the Hearing Scheduled for September 29, 2026, at 9:00 A.M.*[2] Midas Green objects to the admissibility of (i) the written certifications at Exhibits 55 through 57 and Exhibit 63 and (ii) Exhibit 54 and all other evidence first produced or disclosed after the hearing on the Debtors' Sanctions Motions first commenced on July 2, 2026.[3] Midas Green argues that the Contested Exhibits are untimely and should be excluded pursuant to the Local Rules. Further, Midas Green argues that the certifications are hearsay, rest on inadequate personal knowledge, and certify attorney arguments.

[1] The two pending motions are the *Debtors' Motion for Sanctions Relating to Claim Number 004, 062, and 068-072 Filed by Midas Green Technologies LLC* [ECF No. 1793] and the *Debtors' Motion for Sanctions Relating to Claim Numbers 004, 062, and 068-072 Filed by Midas Green Technologies LLC Pursuant to 11 U.S. Code § 105 and 35 U.S. Code § 285* [ECF No. 1794] (together, the "Sanctions Motions").

[2] ECF No. 34.

[3] ECF No. 32.

24904542610280000000000001

28 U.S.C. § 1334(a) provides district courts with jurisdiction over this proceeding. This proceeding has been referred to this Court under General Order 2012-6 (May 24, 2012). This Court has jurisdiction in this proceeding as it is a core proceeding which the Court can consider under 28 U.S.C. § 157(b)(2). The Court has constitutional authority to enter final orders and judgments. *Stern v. Marshall*, 564 U.S. 462, 486–87 (2011). Venue is proper under 28 U.S.C. §§ 1408 and 1409.

Upon consideration of the parties' arguments, the Court will admit the Contested Exhibits.

Local Rule 9013-2 provides the deadline for exchanging exhibits before a scheduled day for hearing (the "Day of Exchange"). The Court, in its discretion, may deny the admission of any exhibits not submitted by the Day of Exchange. Exhibits 54 through 57 were first filed on July 22, 2026, which was a week before the July 29, 2026 continued hearing and approximately two months before the September 29, 2026 continued hearing. Additionally, Exhibits 61 through 64[4] were filed on September 11, 2026, ahead of the September 29, 2026 hearing. Counsel for Midas Green has had ample time to review the exhibits before the continued hearings. Therefore, the Court overrules Midas Green's timeliness objection.[5]

Exhibits 55 through 57 and Exhibit 63 are certifications supporting the admission of certain invoices[6] offered under Rule

[4] The Court notes that Exhibit 64 was first filed as part of Exhibit 27 on Wind Down Debtors' June 26, 2026 Witness and Exhibit List. *See* Case No. 24-90448, ECF No. 2434.

[5] The Wind Down Debtor indicated and the Court agreed that some invoices are continuing to evolve. For example, Exhibits 61 and 62 are Akin Gump Strauss & Feld LLP's ("Akin") June and July invoices—not available at the beginning of these hearings.

[6] The Debtors offer into evidence invoices prepared by Kirkland & Ellis LLP ("Kirkland"), Quinn Emmanuel Urquhart & Sullivan LLP ("Quinn"), Stris & Maher LLP ("Stris"), and Akin. Pursuant to FRE Rule 902(11), the Wind Down Debtors have submitted written certifications to lay out a business records foundation for the invoices. Exhibits 55, 56, 57, and 63 are intended to lay the foundation for invoices from Quinn, Kirkland, Stris, and Akin, respectively. The Wind Down Debtors have objected to Quinn's final fee application. *See* ECF No. 40. To the extent any of

803(6)(D) of the Federal Rules of Evidence—the business records exception. These certifications comply with Rule 902(11) as they are certified by a qualified person[7], and Midas Green has been given reasonable notice of the Wind Down Debtors' intent to offer the record before the continued hearing. Therefore, Exhibits 55 through 57 and Exhibit 63 are admitted as written certifications pursuant to Rule 902(11).[8]

IT IS HEREBY ORDERED THAT:

1. Exhibits 55, 56, 57, and 63 are ADMITTED as written certifications pursuant to FRE Rule 902(11).

2. Exhibits 54, 61, 62, and 64 are ADMITTED.

Signed: October 28, 2026

Alfredo R Pérez
United States Bankruptcy Judge

---

the attorney fees requested are not actually paid, the Court will need to consider further evidence.

[7] *See United States v. Brown*, 553 F.3d 768, 792–93 (5th Cir. 2008) ("There is no requirement that the witness who lays the foundation be the author of the record or be able to personally attest to its accuracy. A qualified witness is one who can explain the record keeping system of the organization and vouch that the requirements of Rule 803(6) are met."); *United States v. Jenkins*, 345 F.3d 928, 936 (6th Cir. 2003) ("In order to be considered to be an 'otherwise qualified witness' under Rule 803(6), all that is required of the witness is that he or she is familiar with the record keeping procedures of the organization.") (cleaned up).

[8] Although the Court admits the written certifications as laying a foundation for the invoices offered under the business records exception, it notes the possibility of increased delay. In a motion for sanctions brought under § 285 of the Patent Act, the Debtors have the burden to prove, and the Court must determine, that the attorney fees requested are "reasonable". *See* 35 U.S.C. § 285. As such, Midas Green is permitted to depose witnesses testifying to the reasonableness of the attorney fees requested under § 285.