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

In re:	§	Chapter 11
	§	
RHODIUM ENTERPRISES, INC.,[1]	§	Case No. 24-90454 (ARP)
	§	
Wind Down Debtor.	§	
	§	(Jointly Administered)
	§	

LEHOTSKY COHN LLP'S MOTION TO COMPEL DISCOVERY FROM BARNES & THORNBURG LLP
[Relates to ECF No. 2302]

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the court, you must file your response electronically at https://ecf.txsb.uscourts.gov/ within twenty-one days from the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk within twenty-one days from the date this motion was filed. Otherwise, the court may treat the pleading as unopposed and grant the relief requested.

Lehotsky Cohn LLP ("***LKC***")[2] hereby files this motion (the "***Motion***") for an order compelling Barnes & Thornburg LLP ("***Barnes & Thornburg***") to comply with the document requests attached hereto as **Exhibit 1** (the "***Document Requests***"), in connection with LKC's *Motion for Sanctions Against Barnes & Thornburg LLP, or, in the Alternative, for Payment of Fees and Expenses Under Section 328* [Case No. 24-90448, ECF No. 2302] (the "***Sanctions Motion***").

[1] 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 (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.

[2] On July 1, 2026, Scott Keller left the firm to become the General Counsel of Chevron. The firm is now named, Lehotsky Cohn LLP. To avoid inconsistency with prior briefs, this motion will continue to use the shorthand, LKC.

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I. PRELIMINARY STATEMENT

1. Barnes & Thornburg continues to resist discovery, having produced essentially nothing in response to Document Requests that LKC served almost five months ago.

2. Barnes & Thornburg's only production was a mere re-production of documents from the fee-dispute litigation in this Court. As Barnes & Thornburg knows, LKC already had these documents. What is worse, the re-produced documents are heavily redacted, and Barnes & Thornburg has not produced a privilege log to support any of those redactions despite LKC's multiple requests over several months.

3. Barnes & Thornburg has agreed that its re-production did not satisfy its discovery obligations. For instance, Barnes & Thornburg has not produced its communications with third parties related to the fee dispute. Recognizing its production was deficient, Barnes & Thornburg agreed with LKC to do a custodial search and agreed to particular search terms and custodians. Yet, despite that agreement, Barnes & Thornburg failed to produce anything more and instead went radio silent, no longer responding to LKC's Document Requests or providing a privilege log.

4. Because Barnes & Thornburg has failed to comply with the Document Requests, LKC respectfully moves to compel (1) the production of documents according to the agreed search terms and custodians and (2) a privilege log related to the documents recently re-produced.

II. JURISDICTION AND VENUE

5. The United States Bankruptcy Court for the Southern District of Texas has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b). LKC confirms its consent to the entry of a final order by the Court. Venue is proper under 28 U.S.C. § 1408.

6. The predicates for the relief requested are sections 105(a) of title 11 of the United States Code, rules 26, 30 and 34 of the Federal Rules of Civil Procedure ("***Federal Rules***"), as

made applicable by rules 7026, 7034 and 9014 of the Federal Rules of Bankruptcy Procedure (the "***Bankruptcy Rules***"), and rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the "***Bankruptcy Local Rules***").

III. BACKGROUND

I. The Bankruptcy Cases

7. In August 2024, the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code (the "***Chapter 11 Cases***"). When the Debtors entered bankruptcy, LKC continued to represent them against their landlord and power provider, Whinstone. With co-counsel, Stris & Maher LLP, LKC delivered critical victories on assumption-related issues, *see, e.g.*, ECF Nos. 579, 763, 800, and developed affirmative claims, allowing the Debtors to file a complaint for more than $300 million.

8. Due to LKC's successful representation, the Debtors secured a $185 million settlement with Whinstone in April 2025. See ECF Nos. 880 at 9, 921 at 11. The Debtors "fully recognize[d] the value of [LKC's] services" and acknowledged LKC "paved the way for a settlement with Whinstone." ECF No. 1111-1 at 4, ¶ 13. As the Debtors told the Court, "LKC provided enormous value to the estate." ECF No. 1111 at 10. "LKC's contributions were substantial and critical to the value of the estate." *Id.* at 11. Its services were "exceptional." In the words of the Debtors' CEO and chairman of the board, LKC won "[e]very single battle" and never "fail[ed]" or "let [the Debtors] down." Chase Blackmon Dep Tr. 29:2-13. As he put it, "Y'all are winners. Let the winners continue to win. You know, go forth and conquer."

9. On August 22, 2025, LKC filed its *Second and Final Application for Payment of Compensation and Reimbursement of Expenses for the Period August 28, 2024 through June 20, 2025* [ECF No. 1561] (the "***Final Fee Application***"). In response, despite everything that LKC had done for the estate, Barnes & Thornburg and its client, the Special Committee of Rhodium

Enterprises, Inc.'s Board of Directors ("***Special Committee***"), publicly attacked LKC and commenced a malicious campaign to deprive LKC of its success fee. The Special Committee and Barnes & Thornburg began with threats and invectives, which quickly intensified after the Court's ruling on the Debtors' Objection to the SAFE Proofs of Claim. *See* ECF No. 1592. Lead counsel from Barnes & Thornburg informed LKC's counsel that, as a result of the decision, he now had "a new master." *See* ECF No. 2303 ¶ 26; ECF No. 2303-1 ¶ 3. The SAFE Ad Hoc Group, which previously opposed Debtors' updated application to retain LKC, wanted Barnes & Thornburg and the Special Committee to deprive LKC of its success fee.

10. Doing the bidding of their "master," the Special Committee and Barnes & Thornburg publicly accused LKC of breaching its fiduciary duty to its client. They knew the claim was patently frivolous but insisted on making it anyway. Worse, they filed it publicly, even after LKC requested that they file it under seal to minimize the harm to LKC's reputation, and even though the Special Committee required LKC to file substantial portions of its briefs defending itself under seal. See ECF No. 2151-1 at 3.

11. Equally sanctionable, the Special Committee and Barnes & Thornburg delayed proceedings, refused to participate in discovery, and presented frivolous arguments to the Court—all based on the patently false premise that LKC and this Court had to wait for an "agreed upon" tax allocation between the Debtors and Whinstone. The Special Committee and Barnes & Thornburg contended that it was impossible to determine the LKC fee until the "agreed upon" allocation was complete, and that LKC was "irrationally impatien[t]" and put the Debtors at "audit risk" with the IRS by seeking its fee. ECF No. 1614 at 1, 3; ECF No. 1530 at 3. This was not true, as the Special Committee well knew. The tax allocation was "not connected to LKC at all," as Debtors' counsel later admitted. Hearing Tr. Dec. 3, 2025 at 94:15-16. But even if a tax allocation

could have been relevant, there never was an agreed-upon tax allocation because Whinstone rejected the Debtors' numbers and publicly filed its own with the Securities and Exchange Commission. The Special Committee and Barnes & Thornburg were peddling a fiction to the Court.

12. But LKC refused to capitulate, and the Special Committee and Barnes & Thornburg withdrew their baseless fiduciary duty claim on the eve of trial—after LKC had to expend significant resources to defend itself, including outside counsel fees. The Court held a multi-day hearing on LKC's fee application, and on December 24, 2025, the Court entered its *Final Order Allowing Compensation and Reimbursement of Expenses*, approving the application in full. [ECF No. 2198].

13. Subsequently, the Debtors filed the *Final Decree Closing Certain of the Chapter 11 Cases* [ECF No. 2464], with *In re Rhodium Enterprises, Inc.*, Case No. 24-90454 (ARP) (Bankr. S.D. Tex.) being the only remaining debtor case.

II. The Sanctions Motion and Discovery Requests

14. In February 2026, after unsuccessfully attempting to resolve its dispute with Barnes & Thornburg and the Special Committee, LKC moved for sanctions against the Special Committee and Barnes & Thornburg. The Sanctions Motion is based on the baseless accusations of "professional and ethical misconduct," the frivolous fiduciary duty claim, the tax-allocation fiction designed to mislead the Court and delay proceedings, and the needless imposition of enormous costs on LKC.

15. After this Court rejected the Special Committee's and Barnes & Thornburg's challenge to the Sanctions Motion as a matter of law, *see* Hearing Tr. (June 4, 2026) at 27**,** LKC served the Document Requests on Barnes & Thornburg on June 17. **Exhibit 1**. LKC sent six targeted requests seeking documents and communications: (1) concerning LKC; (2) concerning

the fees or expenses sought or received by LKC in the Chapter 11 Cases; (3) concerning the sanctions or other relief sought by LKC; (4) with the SAFE AHG, its members, or its counsel; (5) concerning any tax allocation or tax implications of the Debtors' Purchase and Sale Agreement with Whinstone US, Inc.; and (6) relating to any insurance policy that may provide coverage for liability associated with the Sanctions Motion. *Id.* at 11. The Document Requests instruct that, for any document withheld on the basis of privilege, Barnes & Thornburg identify the document's date, author, recipients, subject matter, and the basis for the privilege claim. *Id.* at 6. Responsive documents were due on July 17, 2026. *Id.* at 1.

16. A month later, Barnes & Thornburg served its Responses and Objections attached hereto as **Exhibit 2** (the *"**Responses**"*). Barnes & Thornburg asserted numerous objections, *id.* at 1-2, but produced no documents. Barnes & Thornburg was only "willing to meet and confer." *Id.* at 4-8.

17. After efforts to meet and confer in August 2026, Barnes & Thornburg made its first and only production: a re-production of heavily redacted documents from the fee dispute, with no privilege log. Barnes & Thornburg produced nothing else; it produced no third-party communications at all.

18. Over the next seven weeks, LKC and Barnes & Thornburg continued to meet and confer on LKC's Document Requests and a privilege log. To address Barnes & Thornburg's burden objections, LKC proposed search terms, and the parties then negotiated over those terms. On September 18, counsel for Barnes & Thornburg confirmed that "we're agreed on search terms." *See* **Exhibit 4** (Sept. 18, 2026 Email from L. Liu).

19. But Barnes & Thornburg then went silent. It produced nothing using the agreed search terms and custodians and provided no privilege log. It did not produce a single additional document.

20. On October 29, 2026, LKC wrote that it still had not received any production from Barnes & Thornburg "other than documents that had already been produced," nor any explanation of the redactions—"despite the Court already ruling that at least one of them is not privileged"—and asked for a production timeline by October 30. Ex. 4 (Oct. 29, 2026 Email from Todd Disher). On October 30, LKC asked again: "when can we expect Barnes & Thornburg's production and privilege log? We still have not heard anything from you on timing." *Id*. (Oct. 30, 2026 Email from Todd Disher). Barnes & Thornburg has not responded.

IV. LEGAL STANDARD

21. The Federal Rules, incorporate in the Bankruptcy Rules, permit broad discovery of any non-privileged materials relevant to any party's claim or defense. *See U.S., ex rel., Rigsby v. State Farm Fire & Cas. Co*., 794 F.3d 457, 467 (5th Cir. 2015); *Davis v. United States Marshals Serv.*, 849 F. App'x 80, 86–87 (5th Cir. 2021). Federal Rule 26 embodies a broad discovery policy and is liberally construed in favor of disclosure. *See, e.g*., *In re LeBlanc*, 559 F. App'x 389, 392 (5th Cir. 2014); *see also Wiwa v. Royal Dutch Petroleum Co*., 392 F.3d 812, 820 (5th Cir. 2004) ("Under the federal discovery rules, any party to a civil action is entitled to all information relevant to the subject matter of the action before the court unless such information is privileged."); *In re Trevino*, 564 B.R. 890, 903 (Bankr. S.D. Tex. 2017) ("Rule 26 casts a very wide net as to what is included in the scope of discovery."); *In re Enron Corp. Sec., Derivative, & ERISA Litig.*, 623 F. Supp. 2d 798, 838 (S.D. Tex. 2009) (relevancy under Rule 26 is "construed liberally"). Federal Rule of Civil Procedure 26(b)(5)(A), made applicable by Bankruptcy Rules 7026 and 9014, requires the party withholding information and claiming privilege to describe the nature of the

withheld documents, communications, or tangible things in a manner that allows other parties and the Court to assess the claim.

22. Rule 37, made applicable to a bankruptcy contested matter by Federal Rules of Bankruptcy Procedure 7037 and 9014, authorizes parties to move for an order compelling disclosure or discovery. *See* Fed. R. Civ. P. 37. A party resisting discovery bears the burden "to substantiate its objections and why the materials at issue should not be produced." *In re Wade*, 2012 WL 5449308, at *4 (Bankr. S.D. Tex. Nov. 7, 2012) (citing *McLeod, Alexander, Powel and Apffel, P.C. v. Quarles*, 894 F.2d 1482, 1485 (5th Cir. 1990)). That party must show specifically how each discovery request is not relevant or how each question is overly broad, burdensome, or oppressive. *See McLeod*, 894 F.2d at 1485.

V. ARGUMENT AND AUTHORITIES

A. Barnes & Thornburg Must Produce Responsive Documents.

23. Barnes & Thornburg must search for and produce responsive, non-privileged documents—including the third-party communications from its "master," the SAFE AHG. LKC engaged in extensive negotiations to address Barnes & Thornburg's objections, and the parties agreed to a search protocol, with agreed-upon search terms and custodians. Yet Barnes & Thornburg has not lived up to its side of the bargain, producing nothing after agreeing to the protocol.

24. Barnes & Thornburg's prior boilerplate relevance, overbreadth, and proportionality objections do not change the analysis. A party resisting discovery must show specifically how each request is irrelevant, overly broad, or unduly burdensome. *See McLeod*, 894 F.2d at 1485. Barnes & Thornburg has made no such showing. Indeed, Barnes & Thornburg served its own requests on LKC that mirror LKC's Requests for Production Nos. 1, 2, 3, and 5, *see* **Exhibit 3**, confirming that Barnes & Thornburg itself regards those subjects as relevant.

25. Further, Barnes & Thornburg subsequently agreed on the search terms and custodians as part of a compromise to address the purported burden and other boilerplate objections. Having agreed on terms, it cannot resurrect its meritless objections. Barnes & Thornburg has offered no reason for refusing to produce or going radio silent.

26. Barnes & Thornburg's communications with third parties—and especially with the SAFE AHG—are critical. As the Sanctions Motion alleges, Barnes & Thornburg abandoned its client's interests and prolonged a meritless fee dispute at the direction of its self-described "new master," the SAFE AHG. Sanctions Motion ¶¶ 26, 76. Indeed, the SAFE AHG directly interfered with the settlement discussions between LKC and Barnes & Thornburg, *see* ECF No. 2160 ¶¶ 4–6; ECF No. 2160-2 (Nov. 25–26, 2025 Email Chain), which, if they had been successful, would have avoided a multi-day hearing on LKC's fee award and a now-pending appeal of that award. Barnes & Thornburg's communications with the SAFE AHG will show the extent of the SAFE AHG's improper influence over Barnes & Thornburg, and they bear directly on whether that conduct was undertaken in bad faith.

27. Indeed, some documents produced by the Special Committee show the significant influence wielded by the SAFE AHG. Although the Special Committee improperly selectively redacted these documents (LKC reserves the right to file a separate motion to compel against the Special Committee), the unredacted portions confirm that the Special Committee regularly consulted Mitch Hurley and others regarding litigation-related strategic decisions during the fee dispute. *See, e.g.*, **Exhibit 5** (Dec. 7, 2025 Email Chain, SpecialCommittee_EatonWells-0000759) (Mr. Hurley directing that "we do not agree to present this email in a manner likely to cause the Court to move the hearing to January").

28. The third-party communications produced by the Special Committee also raise serious questions about why the Special Committee even became involved in opposing LKC's fee in the first place. As Mr. Hurley questioned, "Is the LKC dispute a Conflict Matter?" because according to Mr. Hurley, "[n]o one ever took that position before…." Ex. 5 (Dec. 7, 2025 Email Chain, SpecialCommittee_EatonWells-0000759). Indeed, there was no conflict. And, because there was no conflict, the Debtors and their counsel could have addressed LKC's success fee without the Special Committee's involvement.

29. In any event, the Court previously required that these communications with the SAFE AHG be produced. Hr'g Tr. Oct. 30, 2025 at 13:13–14:16; Sanctions Motion ¶ 40. During the fee dispute, like now, the Special Committee and Barnes & Thornburg refused to produce third-party communications. The Court concluded: "I am going to make you produce it with respect to the parties … who have been active in this case, the SAFE [AHG], the other objectors, the Committee, those parties." Nonetheless, the Special Committee and Barnes & Thornburg still failed to produce. They should not be permitted to do so a second time.

30. The Document Requests fall squarely within the scope of discovery. They seek documents and communications concerning (among other things) LKC's fees, the requests for sanctions, the tax-allocation fiction, and communications with the SAFE AHG. *See* Ex. 1. These documents go to the heart of the Sanctions Motion: Barnes & Thornburg's knowledge and state of mind when it accused LKC of misconduct, whether those accusations were made in bad faith, and Barnes & Thornburg's coordination with its "master." *See, e.g., Fairchild v. Liberty Indep. Sch. Dist.*, 466 F. Supp. 2d 817, 826-27 (E.D. Tex. 2006) (evidence of motive is relevant and discoverable); *LEV Invs., Inc. v. Princeton Excess & Surplus Lines Ins. Co.*, 350 F.R.D. 86, 90 (N.D. Tex. 2025) (evidence of knowledge is discoverable when relevant to bad-faith claims).

B. Barnes & Thornburg Must Serve a Privilege Log.

31. Barnes & Thornburg's only production consists of heavily redacted documents, unaccompanied by a privilege log. Barnes & Thornburg's General Objection 12, which asserts that a log is "premature because it seeks a privilege log that the parties have not discussed or negotiated," has no basis. Ex. 2 at 3. Rule 26(b)(5)(A) imposes the obligation to describe withheld materials without any negotiation, and the obligation has already been triggered by Barnes & Thornburg's redactions. Barnes & Thornburg also asserts a "common-interest privilege" in General Objection 5 without identifying any common-interest agreement or party. *Id*. at 2. Barnes & Thornburg bears the burden of establishing any such privilege, and it must log any document it withholds on that basis. *See In re Santa Fe Int'l Corp.*, 272 F.3d 705, 710 (5th Cir. 2001) (party asserting privilege "bears the burden of demonstrating its applicability").

32. The Document Requests' instructions also require that any privilege log identify, among other things, the date and place a document or communication was generated or prepared, its author and recipients, and a description of its contents. *See* Ex. 1**.** Without this information, neither LKC nor the Court can evaluate Barnes & Thornburg's privilege claims. While the parties agreed to waive the privilege-log requirement during the fee dispute due to time constraints, there is no such agreement for these sanctions proceedings. Indeed, the fee-dispute litigation showed that Barnes & Thornburg was improperly claiming privilege over non-privileged documents. *See* ECF No. 1896-18; Hr'g Tr. Dec. 3, 2025 at 206-214; Hr'g Tr. Dec. 17, 2025 at 6-8. And since then, Barnes & Thornburg has selectively disclosed purportedly privileged documents. *See* ECF No. 2337 ¶ 42; ECF No. 2337-4. If Barnes & Thornburg wants to claim privilege, it must produce a log and defend its privilege assertions.

C. Barnes & Thornburg's Discovery Violations Are Part of An Ongoing Trend.

33. Unfortunately, this is not the first time that Barnes & Thornburg has flouted its discovery obligations. As discussed in the Motion for Sanctions [ECF No. 2303, at 9-11], Barnes & Thornburg, while representing the Special Committee, abused the discovery process, including by unilaterally refusing to attend depositions *after* LKC traveled to take a deposition. Barnes & Thornburg and the Special Committee also failed to produce the correspondence with the SAFE AHG, even after the Court's ruling. And they also engaged in gamesmanship with its disclosures of experts and expert reports, prompting the Court to remind them that "trial by ambush" would not be tolerated. Hearing Tr. Oct. 30, 2025 at 15:24-16:1; *see also* ECF No. 2303, at 9-11.

VI. CONCLUSION

WHEREFORE, LKC respectfully requests that the Court enter an order requiring Barnes & Thornburg to (1) produce all non-privileged documents responsive to the Document Requests, including documents identified by the parties' agreed search terms, within 14 days; (2) serve a privilege log compliant with Rule 26(b)(5)(A) and the Document Requests' instructions within 14 days; and (3) to award LKC its "reasonable expenses" under Rule 37(a)(5) and Bankruptcy Rules 7037 and 9014(c), together with such other relief as the Court deems just and proper.

Dated: November 9, 2026
Houston, Texas

Respectfully submitted,

/s/ Joshua W. Wolfshohl

Joshua W. Wolfshohl (TX Bar No. 24038592)
Michael B. Dearman (TX Bar No. 24116270)
PORTER HEDGES LLP
1000 Main Street, 36th Floor
Houston, Texas 77002
Telephone: (713) 226-6000
Facsimile: (713) 226-6248
jwolfshohl@porterhedges.com
mdearman@porterhedges.com

Counsel to Lehotsky Keller Cohn LLP

CERTIFICATE OF SERVICE

I hereby certify that, on November 9, 2026, a true and correct copy of the foregoing document was served via the Bankruptcy Court's Electronic Case Filing System on the parties that have consented to such service.

/s/ Joshua W. Wolfshohl
Joshua W. Wolfshohl

CERTIFICATE OF CONFERENCE

I, the undersigned, certify that on July 23, 2026, I conferred with counsel for Barnes & Thornburg regarding the relief requested in this Motion. The parties were unable to come to an agreement that avoided the need for this Motion.

/s/ Todd Disher
Todd Disher

EXHIBIT 1

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

In re:	§	Chapter 11
	§	
RHODIUM ENCORE LLC, *et al.*,[1]	§	Case No. 24-90448 (ARP)
	§	
Debtors.	§	
	§	(Jointly Administered)
	§	

LEHOTSKY KELLER COHN LLP'S NOTICE OF FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS FROM BARNES & THORNBURG LLP

To: Barnes & Thornburg LLP, by and through their attorney of record, David J. Beck and David T. Judd, Beck Redden LLP, 1221 McKinney St., Suite 4500, Houston, Texas 77010-2010 dbeck@beckredden.com; djudd@beckredden.com

Please take notice that, pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure (the "***Federal Rules***") as incorporated by rules 7033 and 7034 and 9014 of the Federal Rules of Bankruptcy Procedure (the "***Bankruptcy Rules***"), Lehotsky Keller Cohn LLP ("***LKC***"), by and through their undersigned counsel, serves this notice of third set of requests for production of documents attached hereto as **Exhibit A** on Barnes & Thornburg LLP (the "***B&T***"). Responsive documents shall be produced to the undersigned counsel for LKC no later than July 17, 2026, at 5:00 p.m. (prevailing Central Time).

Please take further notice that LKC reserves its rights under title 11 of the United States Code (the "***Bankruptcy Code***"), the Federal Rules, the Bankruptcy Rules, the Bankruptcy Local

[1] 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 (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.

Rules for the United States Bankruptcy Court for the Southern District of Texas (the "***Local Rules***"), and any applicable law regarding the subject matter of this Notice and to amend, supplement, and/or modify **Exhibit A** attached hereto in accordance with the Bankruptcy Code, the Federal Rules, the Bankruptcy Rules, the Local Rules, and other applicable law.

Please take further notice that LKC reserves its rights under the Bankruptcy Code, the Bankruptcy Rules, the Local Rules and any applicable law regarding the subject matter of this Notice and to seek one or more depositions of B&T.

Dated: June 17, 2026
Houston, Texas

Respectfully submitted,

/s/ Joshua W. Wolfshohl
Joshua W. Wolfshohl (TX Bar No. 24038592)
Michael B. Dearman (TX Bar No. 24116270)
PORTER HEDGES LLP
1000 Main Street, 36th Floor
Houston, Texas 77002
Telephone: (713) 226-6000
Facsimile: (713) 226-6248
jwolfshohl@porterhedges.com
mdearman@porterhedges.com

Counsel to Lehotsky Keller Cohn LLP

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 2026, a true and correct copy of the foregoing was sent to the parties listed below by email:

David Eaton and Spencer Wells, in their capacities as former members of the Special Committee of the Board of Directors of Rhodium Enterprises, Inc.

Thomas E. O'Brien
Travis A. McRoberts
Kevin Chiu
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 900
Dallas, Texas 75201-2980
tom.obrien@bakerbotts.com
travis.mcroberts@bakerbotts.com
kevin.chiu@bakerbotts.com

and

Matthew G. Sheridan
910 Louisiana Street
Houston, Texas 77002-4995
matthew.sheridan@bakerbotts.com

Ad Hoc Group of SAFE Parties

Sarah Link Schultz
Elizabeth D. Scott
AKIN GUMP STRAUSS HAUER & FELD LLP
2300 N. Field Street, Suite 1800
Dallas, TX 75201-2481
sschultz@akingump.com
edscott@akingump.com

and

Mitchell P. Hurley
One Bryant Park
New York, NY 10036-6745
Email: mhurley@akingump.com

Barnes & Thornburg LLP

David J. Beck
David T. Judd
BECK REDDEN LLP
1221 McKinney St., Suite 4500
Houston, Texas 77010-2010
dbeck@beckredden.com
djudd@beckredden.com

/s/ Joshua W. Wolfshohl
Joshua W. Wolfshohl

EXHIBIT A

REQUESTS FOR PRODUCTION

DEFINITIONS

1. "Ad Hoc Group" has the meaning ascribed to such term in the First Supplemental Verified Statement of Ad Hoc Group of SAFE Parties Pursuant to Bankruptcy Rule 2019 [Case No. 24-90448 (ARP), Docket No. 607], including without limitation professionals representing the Ad Hoc Group.

2. "And," "or," and "and/or", as used herein, shall be construed either conjunctively or disjunctively, as required by the context, to bring within the scope of these requests any information that might be deemed outside their scope by any other construction.

3. "Any," "each," or "all" should be understood to include and encompass one or more, or all.

4. "Chapter 11 Cases" means the jointly administered chapter 11 cases entitled Rhodium Encore LLC et al., pending before the United States Bankruptcy Court, Southern District of Texas, under Case No. 24-90448 (ARP).

5. "Debtors" means Rhodium Encore LLC, Jordan HPC LLC, Rhodium JV LLC, Rhodium 2.0 LLC, Rhodium 10MW LLC, Rhodium 30MW LLC, Rhodium Enterprises, Inc., Rhodium Technologies LLC, Rhodium Ready Ventures LLC, Rhodium Industries LLC, Rhodium Encore Sub LLC, Jordan HPC Sub LLC, Rhodium 2.0 Sub LLC, Rhodium 10MW Sub LLC, Rhodium 30MW Sub LLC, and Rhodium Renewables Sub LLC, including their representative officers, directors, employees, agents, attorneys, consultants, advisors, and any other person acting or purporting to act on its behalf.

6. "Including" and "include" mean "including but not limited to."

7. "Purchase and Sale Agreement" means the Purchase and Sale Agreement by and between one or more of the Debtors and Whinstone US, Inc., dated April 28, 2025, as may be amended or modified.

8. "Person" means natural persons, firms, associations, agencies, and/or other organizations and entities cognizable by law, including private corporations, public corporations, partnerships, unincorporated associations, offices, governments, governmental or political entities.

9. "Regarding," "related to," "relate to," "relating to," "referred to," "refer to," and "referring to" mean having any relationship or connection to, concerning, being connected to, commenting on, responding to, containing, constituting, showing, memorializing, describing, analyzing, reflecting, pertaining to, compromising, identifying, discussing, evidencing, or otherwise establishing a reasonable, logical, or causal connection.

10. "Special Committee" means the Special Committee of the Board of Directors of Rhodium Enterprises, Inc., including David Eaton and Spencer Wells.

11. "You" and "Your" shall mean Barnes & Thornburg LLP, including its representative officers, directors, employees, agents, attorneys, consultants, advisors, and any other person acting or purporting to act on its behalf.

INSTRUCTIONS FOR PRODUCTION

1. The preceding Definitions apply to these Instructions and each of the Requests for Production.

2. The use of the singular form of any word includes the plural and vice versa.

3. The use of the past tense of any verb includes the present tense and vice versa.

4. The connectives "and" and "or" shall be construed conjunctively or disjunctively as necessary to make each request for production inclusive rather than exclusive; to bring within the scope of the request all Documents and Communications and responses that otherwise might be construed to be outside the scope of the request.

5. If any Documents have been withheld from production on the basis of a claim of privilege or exemption from discovery, please furnish the following information for each such Documents:

a. The place, date(s) (or appointment date) the Document was generated or prepared;

b. The name, address, title and telephone number of the author(s) of the Document;

c. The description or summary of the content of the Document (e.g., letter, deed, memorandum, etc.)

d. The name, address, title and telephone number of any indicated recipient(s) of the Document;

e. The name, address, title and telephone number of every person to whom the Document of the contents thereof has ever been disclosed, communicated, exhibited, read or summarized and the date(s) and circumstances of each such disclosure.

f. The subject matter of the Document;

g. A statement of the basis for claiming privilege or exemption from discovery.

6. Where Documents or Communications in the possession of a legal entity are requested, such request includes the entity's employees, advisors, attorneys, representatives, agents, members, partners, officers, directors, independent contractors, successors and assigns, and all other persons acting for or on behalf of any one or more of them.

7. Please produce responsive Documents as they have been kept in the usual course of business.

8. If there are no Documents responsive to any particular request, please state so in writing.

9. Where only a portion of a Document relates or refers to the subject of a request, the entire Document is to be produced nevertheless, inclusive of any and all attachments, appendices, and exhibits.

10. If a responsive Document was, but no longer is, within Your possession, custody or control, please state in detail: (i) the type of Document and the author(s), sender(s), recipient(s) and copyee(s) of the Document; (ii) a summary of the contents of the Document; (iii) what disposition was made of such Document; (iv) the date of such disposition; (v) whether the original or a copy thereof is within the possession, custody or control of any other person; and (vi) if the answer to (v) is affirmative, the identity of such person.

11. The requests herein are to be deemed continuing so as to require further and supplemental productions if You discover, receive, or generate additional responsive Documents between the time of Your original production and the time of the final hearing held in this action.

12. All Documents produced in response to this request shall be produced en toto notwithstanding the fact that portions thereof may contain information not requested, and shall include interim and drafts as well as final editions of the document, and shall include all additions or copies of a Document which are not identical to (whether due to handwritten notation, or revisions, or otherwise) the original produced copy of the Document.

13. Any Documents produced pursuant to this request shall be produced on a category- by-category basis as requested herein.

14. Whenever in this itemized list of documents to be produced there is a reference to a named corporation, partnership, or association, the reference includes: (1) the corporation, partnership, or association; (2) its subsidiaries, groups, divisions, affiliates, and other organization units, and their predecessors and successors; and (3) each officer, director, representative, employee, partner, and agent of each of the foregoing, whether or not acting within the scope of his or her employment, representation or agency.

REQUESTED FORMAT FOR PRODUCTION OF DOCUMENTS

All Documents:

All documents produced must be branded and named with a unique, consistently formatted identifier with an alpha prefix along with a fixed length Bates number (e.g., ABC000001). This format must remain consistent across all production numbers. The number of digits in the numeric portion of the format should not change in subsequent productions, nor should spaces, hyphens, or other separators be added or deleted. Any document that contains essential color should be produced in color. "Essential color" is defined as color that is essential to the understanding of the document, such as the color in charts, maps, graphs, and photographs. The acceptable format for color documents is color JPEG images. Color TIFF images are not acceptable.

Hard Copy Documents:

For documents that only exist in hard copy and not electronic form, please produce those documents as Group IV compressed single-page, black and white, TIFF or color JPEG images named by Bates number. Provide standard LFP and OPT image load files with an image key containing the same image names/Bates numbers as the corresponding images. All TIFF/JPEG images must be branded and named with a unique, consistently formatted identifier with an alpha prefix along with a fixed length Bates number (e.g., ABC000001). The LFP and OPT load files should accurately reflect logical document breaks. OCR should be provided as document level text files with an LST load file or as a linked path in a delimited text file (a .DAT file).

Fielded data for hard copy documents should be provided in a delimited text file with the following delimiters:

- Field separator = | (ASCII character 124) or , (ASCII character 020)
- Quote character = þ (ASCII character 254)
- Multi-entry delimiter = ; (ASCII character 059)
- Return value in data = ~ (ASCII character 126)

The fielded data should include but not be limited to the following:

- Beg Doc
- End Doc
- Beg Attach
- End Attach
- Page Count
- Custodian
- Location (file cabinet, box, or any other source information that helps identify and track the documents)
- Confidential Designation
- Redacted Status
- Production Volume
- Path to Extracted Text File

Electronic Documents:

Please produce email, attachments, and loose native files as Group IV compressed single- page, black and white, TIFF or color JPEG images named by Bates number. Provide standard LFP and OPT image load files with an image key containing the same image names/Bates numbers as the corresponding images. All TIFF/JPEG images must be branded and named with a unique, consistently formatted identifier with an alpha prefix along with a fixed length Bates number (e.g., ABC0000001). Extracted text or OCR should be provided as document level text files with an LST load file or as a linked path in a delimited text file (a .DAT file).

Emails and attachments shall be produced as sequentially numbered documents, and the family grouping shall be established by use of Beginning Attachment and Ending Attachment fields.

Additionally, Excel files, spreadsheets, database files, audio files, video files, AutoCAD drawings, or any non-printable or unsupported file types should be produced in their native format with a linked path in the .DAT file. A placeholder image with basic identifying information (File Name and Bates number) should be provided. If counsel requests native files of other specific documents, opposing counsel will comply as long as the request is not overly burdensome or frivolous.

Metadata for emails, attachments, and e-documents (loose native files) should be provided in a delimited text file with the following delimiters:

- Field separator = | (ASCII character 124) or , (ASCII character 020)
- Quote character = þ (ASCII character 254)
- Multi-entry delimiter = ; (ASCII character 059)
- Return value in data = ~ (ASCII character 126)

The metadata fields should include but not be limited to the following:

- Beg Doc
- End Doc
- Beg Attach
- End Attach
- Page Count
- Production Volume
- Media Type (i.e., Email, Attachment, Attached Email, Loose Edoc, Attached Edoc)
- Document Date (MM/DD/YYYY - The date of the document. For emails, the metadata will reflect the date the email was sent; for other documents, the field will reflect the last date on which the document was saved, to the best extent possible.)
- Family Date (MM/DD/YYYY)
- Family Time (MM/DD/YYYY hh:mm:ss)
- Date Sent (MM/DD/YYYY)
- Time Sent (MM/DD/YYYY hh:mm:ss)

- Date Received (MM/DD/YYYY)
- Time Received (MM/DD/YYYY hh:mm:ss)
- Date Created (MM/DD/YYYY)
- Time Created (MM/DD/YYYY hh:mm:ss)
- Date Last Modified (MM/DD/YYYY)
- Time Last Modified (MM/DD/YYYY hh:mm:ss)
- Date Last Accessed (MM/DD/YYYY)
- Time Last Accessed (MM/DD/YYYY hh:mm:ss)
- Author
- From
- To
- CC
- BCC
- Domain From
- Domain To
- Domain CC/BCC
- Domain Combined
- Subject
- MsgID
- MD5Hash
- SHA1Hash
- File Size (whole integer)
- File Extension
- File Name
- Original Folder or Pathway
- Application
- Attachment Count
- Attachment Titles
- Doc Title
- File/Doc Type (if different from Media)
- Custodian
- Confidential Designation
- Redacted Status
- Native Path
- Extracted Text Path

In the event the volume of loose natives becomes excessively large and thereby exceedingly costly to process, counsel will notify opposing counsel and the parties will consider alternatives to a tiff/jpeg production.

Production Media:

Please provide all production deliverables on external USB drives or via secure FTP link.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1

All Documents and Communications regarding, relating to, or concerning LKC.

REQUEST FOR PRODUCTION NO. 2

All Documents and Communications regarding, relating to, or concerning the fees or expenses sought or received by LKC in the Chapter 11 Cases.

REQUEST FOR PRODUCTION NO. 3

All Documents and Communications regarding, relating to, or concerning the sanctions or other relief sought by LKC (whether under bankruptcy law, state law, or otherwise) related to the Chapter 11 Cases.

REQUEST FOR PRODUCTION NO. 4

All Communications with the Ad Hoc Group, its members, officers, directors, employees, agents, or counsel.

REQUEST FOR PRODUCTION NO. 5

All Documents and Communications regarding, relating to, or concerning any tax allocation or tax implications of the Purchase and Sale Agreement.

REQUEST FOR PRODUCTION NO. 6

All Documents relating to any policy of insurance that may provide coverage for any potential liability associated with *Lehotsky Keller Cohn LLP's Motion for Sanctions Against the Special Committee of Rhodium Enterprises, Inc.'s Board of Directors and Its Counsel Barnes & Thornburg LLP, or, in the Alternative, For Payment of Fees and Expenses Under Section 328* [ECF No. 2302], including the declarations page, policy form, and any reservation of rights or coverage position taken by any insurer.

EXHIBIT 2

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

In re:	§	Chapter 11
	§	
RHODIUM ENCORE LLC, et al.,	§	Case No. 24-90448 (ARP)
	§	
Debtors.[1]	§	(Jointly Administered)

BARNES & THORNBURG LLP'S RESPONSES AND OBJECTIONS TO LEHOTSKY KELLER COHN LLP'S FIRST SET OF REQUESTS FOR PRODUCTION

Pursuant to Fed. R. Civ. P. 26 and 34, as incorporated by Rules 7026, 7034, and 9014 of the Federal Rules of Bankruptcy Procedure, Barnes & Thornburg LLP (B&T) serve these Responses and Objections to Lehotsky Keller Cohn LLP's (LKC) First Set of Requests for Production.

GENERAL OBJECTIONS

1. B&T objects to LKC's Requests, Definitions, Instructions, and Requested Format for Production of Documents to the extent they seek to impose obligations beyond those imposed by the Federal Rules of Civil Procedure, this Court's Local Rules, any orders of this Court, and any applicable law.

2. B&T objects to LKC's use of the terms "Documents" and "Communications" as undefined. B&T will construe "Documents" to mean non-privileged written, printed, electronic, or other recorded materials. B&T will construe "Communications" to mean non-privileged emails and email attachments.

[1] 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 (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.

3. B&T objects to LKC's Requests to the extent they seek irrelevant information.

4. B&T objects to LKC's Requests to the extent they are overbroad, unduly burdensome, and disproportionate to the needs of the narrow issues remaining in the case.

5. B&T objects to LKC's Requests to the extent they seek information that is protected by any applicable privilege, including the attorney-client privilege, the attorney work-product doctrine, the common-interest privilege, and any other applicable privilege. Any inadvertent disclosure shall not be deemed to waive any privilege or immunity.

6. B&T objects to LKC's Requests to the extent they are vague, ambiguous, and uncertain, such that B&T is unable to determine what documents LKC is specifically seeking. B&T will make reasonable efforts to interpret LKC's Requests within the context of the lawsuit.

7. B&T objects to LKC's Requests to the extent they call for information not within B&T's possession, custody, or control.

8. B&T objects to LKC's Requests to the extent they seek documents already within LKC's possession, custody, or control.

9. B&T objects to LKC's Requests to the extent they seek documents that could be more easily obtained from another party, including from the members of the Special Committee of the Board of Directors of Rhodium Enterprises, Inc.

10. B&T objects to LKC's Requests as overbroad, unduly burdensome, and disproportionate to the needs of the case because they fail to specify a relevant time frame for production. For purposes of its responses, B&T will use a time frame ranging from April 8, 2025 (the Court's approval of the Rhodium-Whinstone settlement, *see* ECF No. 921) to December 24, 2025 (the Court's order granting LKC's fee application, *see* ECF No. 2198).

11. B&T objects to LKC's Requests as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent they request "All" documents or communications.

12. B&T objects to Instruction No. 5 as premature because it seeks a privilege log that the parties have not discussed or negotiated.

13. B&T objects to Instruction No. 6 as overbroad because it seeks documents from entities beyond B&T itself, including "independent contractors" and "all other persons acting for or on behalf of any one or more of them." In responding to these Requests, B&T will produce only documents in the possession of Barnes & Thornburg LLP or subject to the control of B&T.

14. B&T objects to Instruction No. 10 as overbroad, unduly burdensome, and disproportionate to the needs of the case because it seeks to require B&T to provide a detailed narrative concerning documents no longer within B&T's possession, custody, or control.

15. B&T objects to Instruction No. 12 as overbroad, unduly burdensome, and disproportionate to the needs of the case because it seeks to require B&T produce documents "en toto," including nonresponsive portions, interim drafts, final versions, and non-identical copies, even if those materials are not responsive to any Request.

16. B&T objects to Instruction No. 13 as vague and ambiguous as to the phrase "category-by-category."

17. B&T reserves all rights to supplement, amend, or modify these Responses and Objections.

18. B&T incorporates the following general objections in each individual response below, whether or not expressly incorporated by reference in each individual response. B&T does not waive any objections to a particular Request by failing to repeat an objection.

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST FOR PRODUCTION NO. 1

All Documents and Communications regarding, relating to, or concerning LKC.

RESPONSE:

B&T incorporates its general objections by reference. In addition to its general objections, B&T objects to this Request because it is overbroad, unduly burdensome, disproportionate to the needs of the narrow issues remaining in the case, and irrelevant to LKC's Motion for Sanctions. All documents and communications "concerning LKC" sweeps in documents unrelated to LKC's Motion for Sanctions, and the alleged conduct underlying LKC's Motion. B&T further objects to this Request as overbroad because it fails to specify a relevant time frame. B&T further objects to this Request to the extent it seeks documents already within LKC's possession, custody, or control. B&T further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and attorney work product doctrine.

Subject to and without waiving these objections, B&T is willing to meet and confer about this Request.

REQUEST FOR PRODUCTION NO. 2

All Documents and Communications regarding, relating to, or concerning the fees or expenses sought or received by LKC in the Chapter 11 Cases.

RESPONSE:

B&T incorporates its general objections by reference. In addition to its general objections, B&T objects to this Request because it is overbroad, unduly burdensome, and disproportionate to the needs of the narrow issues remaining in the case, including because it seeks "All Documents and Communications" concerning a topic. B&T further objects to this Request as overbroad because it fails to specify a relevant time frame. B&T further objects to this Request to the extent

it seeks documents already within LKC's possession, custody, or control. B&T further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and attorney work product doctrines.

Subject to and without waiving these objections, B&T is willing to meet and confer about this Request.

REQUEST FOR PRODUCTION NO. 3

All Documents and Communications regarding, relating to, or concerning the sanctions or other relief sought by LKC (whether under bankruptcy law, state law, or otherwise) related to the Chapter 11 Cases.

RESPONSE:

B&T incorporates its general objections by reference. In addition to its general objections, B&T objects to this Request because it is overbroad, unduly burdensome, and disproportionate to the needs of the narrow issues remaining in the case, including because it seeks "All Documents and Communications" concerning a topic. B&T further objects to this Request as overbroad because it fails to specify a relevant time frame. B&T further objects to this Request to the extent it seeks documents already within LKC's possession, custody, or control. B&T further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and attorney work product doctrines.

Subject to and without waiving these objections, B&T is willing to meet and confer about this Request.

REQUEST FOR PRODUCTION NO. 4

All Communications with the Debtors, their officers, directors, employees, agents, or counsel.

RESPONSE:

B&T incorporates its general objections by reference. In addition to its general objections, B&T objects to this Request because it is overbroad, unduly burdensome, and disproportionate to the needs of the narrow issues remaining in the case, including because it seeks "All Communications" with the Debtors. The Request thus sweeps in communications that are entirely unrelated to LKC's Motion for Sanctions. B&T further objects to this Request as overbroad because it fails to specify a relevant time frame. B&T further objects to this Request to the extent it seeks documents already within LKC's possession, custody, or control. B&T further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and attorney work product doctrines.

Subject to and without waiving these objections, B&T is willing to meet and confer about this Request.

REQUEST FOR PRODUCTION NO. 5

All Communications with the Ad Hoc Group, its members, officers, directors, employees, agents, or counsel.

RESPONSE:

B&T incorporates its general objections by reference. In addition to its general objections, B&T objects to this Request because it is overbroad, unduly burdensome, and disproportionate to the needs of the narrow issues remaining in the case, including because it seeks "All Communications" with a third party, the Ad Hoc Group, regardless of whether those communications concern LKC's Motion for Sanctions or any of the alleged underlying conduct. The Request thus sweeps in communications that are entirely unrelated to LKC's Motion for Sanctions. B&T further objects to this Request as overbroad because it fails to specify a relevant time frame. B&T further objects to this Request to the extent it seeks documents already within

LKC's possession, custody, or control. B&T further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and attorney work product doctrines.

Subject to and without waiving these objections, B&T is willing to meet and confer about this Request.

REQUEST FOR PRODUCTION NO. 6

All Documents and Communications regarding, relating to, or concerning any tax allocation or tax implications of the Purchase and Sale Agreement.

RESPONSE:

B&T incorporates its general objections by reference. In addition to its general objections, B&T objects to this Request because it is overbroad, unduly burdensome, and disproportionate to the needs of the narrow issues remaining in the case, including because it seeks "All Documents and Communications" concerning a topic. B&T further objects to this Request as vague and ambiguous as to the phrase "tax implications." B&T further objects to this Request as overbroad and unduly burdensome because it seeks information concerning "any tax allocation." B&T further objects to this Request as overbroad because it fails to specify a relevant time frame. B&T further objects to this Request to the extent it seeks documents already within LKC's possession, custody, or control. B&T further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and attorney work product doctrines.

Subject to and without waiving these objections, B&T is willing to meet and confer about this Request.

REQUEST FOR PRODUCTION NO. 7

All Documents relating to any policy of insurance that may provide coverage for any potential liability associated with *Lehotsky Keller Cohn LLPs' Motion for Sanctions Against the Special Committee of Rhodium Enterprises, Inc.s' Board of Directors and Its Counsel Barnes & Thornburg LLP, or, in the Alternative, For Payment of Fees and Expenses Under Section 328* [ECF No. 2302] or the claims asserted by LKC in *Lehotsky Keller Cohn LLP v. Special Committee of the Board of Directors*

Rhodium Enterprises, Inc., et al., Case No. 26-03051 (Bankr. S.D. Tex.), including the declarations page, policy form, and any reservation of rights or coverage position taken by any insurer.

RESPONSE:

B&T incorporates its general objections by reference. In addition to its general objections, B&T objects to this Request because it is overbroad, unduly burdensome, and disproportionate to the needs of the narrow issues remaining in the case, including because it seeks "All Documents relating to" a relevant insurance policy. B&T further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and attorney work product doctrines.

Subject to and without waiving these objections, B&T will produce declarations pages for any applicable insurance policies that may provide coverage for potential liability associated with LKC's Motion for Sanctions.

Dated: July 17, 2026

Respectfully submitted,

BECK REDDEN LLP

By: */s/ David J. Beck*
David J. Beck
State Bar No. 00000070
dbeck@beckredden.com
Larry Liu
State Bar No. 24133399
lliu@beckredden.com
David T. Judd
State Bar No. 24149115
djudd@beckredden.com
1221 McKinney St., Suite 4500
Houston, Texas 77010-2010
(713) 951–3700
(713) 951–3720 – Fax

ATTORNEYS FOR BARNES & THORNBURG LLP

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on July 17, 2026, a true and correct copy of the foregoing document was served via electronic mail to all counsel of record.

/s/ Larry Liu
Larry Liu

EXHIBIT 3

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

In re:	§	Chapter 11
	§	
RHODIUM ENCORE LLC, et al.,	§	Case No. 24-90448 (ARP)
	§	
Debtors.[1]	§	(Jointly Administered)

B&T'S FIRST SET OF REQUESTS FOR PRODUCTION TO LKC

Pursuant to Fed. R. Civ. P. 26 and 34, as incorporated by Rules 7026, 7034, and 9014 of the Federal Rules of Bankruptcy Procedure, Barnes & Thornburg LLP (B&T) request that Lehotsky Keller Cohn LLP (LKC) produce the documents described below within 30 days of service of these Requests.

DEFINITIONS AND INSTRUCTIONS

1. "LKC," "You," and "Your" mean Lehotsky Keller Cohn LLP, including its attorneys, agents, employees, representatives, and any other person or entity acting or purporting to act on its behalf.

2. "Chapter 11 Cases" means the jointly administered chapter 11 cases entitled Rhodium Encore LLC et al., pending before the United States Bankruptcy Court, Southern District of Texas, under Case No. 24-90448 (ARP).

3. "Motion for Sanctions" means LKC's pending Motion for Sanctions Against the Special Committee of Rhodium Enterprises, Inc.'s Board of Directors and Its Counsel Barnes &

[1] 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 (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.

Thornburg LLP, or, in the Alternative, for Payment of Fees and Expenses Under Section 328 (ECF No. 2303).

4. "Fee Request" means the amount sought by LKC's Motion for Sanctions.

5. "Purchase and Sale Agreement" means the Purchase and Sale Agreement by and between one or more of the Debtors and Whinstone US, Inc., dated April 28, 2025, as may be amended or modified.

6. "Document(s)" and "Communication(s)" are used in the broadest sense permitted under the Federal Rules of Civil Procedure and includes, without limitation, all written, recorded, or graphic material of any kind, whether produced, reproduced, or stored by hand, mechanical, electronic, or other means, including electronically stored information ("ESI") such as emails, metadata, native files, databases, and billing system exports.

7. "Relating to" means concerning, constituting, comprising, containing, discussing, describing, reflecting, identifying, stating, referring to, dealing with, evidencing, supporting, contradicting, or otherwise pertaining to, in whole or in part, the subject matter of the request.

8. "Timekeeper" means any attorney, paralegal, law clerk, legal assistant, or other billing professional whose time is included, in whole or in part, in the Motion for Sanctions.

9. "Time Records" means any and all records, in whatever form or medium, reflecting time spent, tasks performed, or services rendered by any Timekeeper in connection with this action, including but not limited to contemporaneous time entries, daily or weekly time sheets, billing software exports or reports, and any handwritten or electronic notes used to generate such records.

10. These requests are continuing in nature. If, after producing the requested Documents, You obtain or become aware of further Documents responsive to any request, You are required to supplement Your production in accordance with Fed. R. Civ. P. 26(e).

11. If any Document responsive to these requests has been destroyed, discarded, lost, or otherwise disposed of, identify the Document with reasonable particularity, including its author, recipient, date, subject matter, and the circumstances and date of its destruction or disposal.

12. If You withhold any Document, or any portion thereof, on the basis of privilege or any other protection from disclosure, provide a privilege log identifying, for each such Document, the date, author, recipients, general subject matter, and the specific privilege or protection claimed, in sufficient detail to permit an assessment of the claim.

13. Unless otherwise specified, the relevant time period for these requests is the period during which the fees claimed in the Motion for Sanctions were incurred.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1

All Time Records, including drafts thereof (original pro formas, accounting entries, and revised and unedited diary entries), for each Timekeeper whose time is included, in whole or in part, in the Fee Request.

REQUEST FOR PRODUCTION NO. 2

All Your invoices, bills, statements, or ledger entries, including drafts thereof, reflecting fees and costs relating to the Fee Request.

REQUEST FOR PRODUCTION NO. 3

Documents sufficient to show the hourly billing rate charged or claimed for each Timekeeper, including any rate schedules, engagement letters, or fee agreements setting forth such rates.

REQUEST FOR PRODUCTION NO. 4

All Documents reflecting the customary or standard hourly rate charged by each Timekeeper to other clients for similar work.

REQUEST FOR PRODUCTION NO. 5

All Documents that You intend to rely on to support the Fee Request or the Motion for Sanctions.

REQUEST FOR PRODUCTION NO. 6

All Communications with any third party relating to Barnes & Thornburg LLP.

REQUEST FOR PRODUCTION NO. 7

All Documents and Communications relating to the fees or expenses sought or received by LKC in the Chapter 11 Cases.

REQUEST FOR PRODUCTION NO. 8

All Documents and Communications relating to the Motion for Sanctions.

REQUEST FOR PRODUCTION NO. 9

All Documents and Communications concerning any tax allocation or tax implications of the Purchase and Sale Agreement.[2]

Dated: July 31, 2026

Respectfully submitted,

BECK REDDEN LLP

By: */s/ David J. Beck*
David J. Beck
State Bar No. 00000070
dbeck@beckredden.com
Larry Liu
State Bar No. 24133399
lliu@beckredden.com

[2] LKC has served reciprocal requests to B&T's RFP Nos. 6, 7, 8, and 9 for production in its own First Set of Requests for Production to Barnes & Thornburg. *See* RFP No. 1 ("All Documents and Communications regarding, relating to, or concerning LKC."); RFP No. 2 ("All Documents and Communications regarding, relating to, or concerning the fees or expenses sought or received by LKC in the Chapter 11 Cases."); RFP No. 3 ("All Documents and Communications regarding, relating to, or concerning the sanctions or other relief sought by LKC (whether under bankruptcy law, state law, or otherwise) related to the Chapter 11 Cases."); RFP No. 5 ("All Documents and Communications regarding, relating to, or concerning any tax allocation or tax implications of the Purchase and Sale Agreement."). B&T has objected to those requests as irrelevant, overbroad, and disproportionate to the needs of the narrow issues remaining in the case. B&T issues these RFP Nos. 6, 7, 8, and 9 subject expressly to those objections. In the event that the parties are unable to agree to a narrower scope for those requests or that B&T's objections are overruled, B&T requests that LKC produce documents in response to RFP Nos. 6, 7, 8, and 9.

David T. Judd
State Bar No. 24149115
djudd@beckredden.com
1221 McKinney St., Suite 4500
Houston, Texas 77010-2010
(713) 951–3700
(713) 951–3720 – Fax

ATTORNEYS FOR BARNES &
THORNBURG LLP

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on July 31, 2026, a true and correct copy of the foregoing document was served via electronic mail to all counsel of record.

/s/ Larry Liu
Larry Liu

EXHIBIT 4

From: Todd Disher <todd@lehotskycohn.com>
Sent: Friday, October 30, 2026 10:55 AM
To: O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; Larry Liu <lliu@beckredden.com>
Cc: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <JWolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>; David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

[EXTERNAL EMAIL]

Tom - Thank you for checking on the Special Committee's production. The latest email in documents we've received so far is from early 2026. It seems likely that there are responsive communications later than that. Can you please confirm that the search included emails through the agreed cutoff date? Also, on the meet and confer, we certainly did not commit to amending our rog responses in the way that you framed it below. I can confirm in writing that we will provide you with the relevant, non-privileged information responsive to your discovery requests, which will be contained in our production next week. If you have any additional questions or concerns after you see that production, we're always happy to discuss.

Larry - when can we expect Barnes & Thornburg's production and privilege log? We still have not heard anything from you on timing.

Todd Disher | Lehotsky Cohn

From: O'Brien, Tom <Tom.OBrien@Bakerbotts.com>
Date: Thursday, October 29, 2026 at 4:38 PM
To: Todd Disher <todd@lehotskycohn.com>; Larry Liu <lliu@beckredden.com>
Cc: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <JWolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>; David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen

<hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001

Todd:

I will check with our team, but I don't believe we have any additional documents to produce.

When we discussed your interrogatory responses, you said you would amend them to explain that LKC is seeking all of its fees incurred in connection with the fee dispute. Pointing to your production is not responsive to the questions that we asked. Please confirm in writing that you will amend your responses.

Regards,

Tom O'Brien
Partner
Baker Botts L.L.P.
tom.obrien@bakerbotts.com
T +1.214.953.6934
F +1.214.661.4934
M +1.214.683.7828

2001 Ross Avenue, Suite 900
Dallas, Texas 75201
USA

From: Todd Disher <todd@lehotskycohn.com>
Sent: Thursday, October 29, 2026 4:25 PM
To: O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; Larry Liu <lliu@beckredden.com>
Cc: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <JWolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>; David J. Beck <DBECK@beckredden.com>; O'Brien, Tom

<Tom.OBrien@Bakerbotts.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

[EXTERNAL EMAIL]

Thanks, Tom. Are we waiting for any additional production from the Special Committee? The Special Committee has produced (albeit in multiple, multiple versions) only a handful of email chains. As we noted on the meet and confer, we don't have any emails that include Mitch Hurley after early December 2025. Are you still searching and reviewing more documents?

Also, when we discussed our responses, we told you that our production would answer your interrogatories. That continues to be true. But if you still have concerns after you see our production, we are happy to discuss.

Todd

Todd Disher | Lehotsky Cohn

From: O'Brien, Tom <Tom.OBrien@Bakerbotts.com>
Date: Thursday, October 29, 2026 at 3:34 PM
To: Todd Disher <todd@lehotskycohn.com>; Larry Liu <lliu@beckredden.com>
Cc: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <JWolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>; David J. Beck <DBECK@beckredden.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001

Todd:

We are aiming to produce the Special Committee's privilege log tomorrow or, at the latest, early next week.

When will LKC serve its amended interrogatory responses?

Regards,

Tom O'Brien
Partner
Baker Botts L.L.P.
tom.obrien@bakerbotts.com
T +1.214.953.6934
F +1.214.661.4934
M +1.214.683.7828

2001 Ross Avenue, Suite 900
Dallas, Texas 75201
USA

From: Todd Disher <todd@lehotskycohn.com>
Sent: Thursday, October 29, 2026 1:55 PM
To: Larry Liu <lliu@beckredden.com>
Cc: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <JWolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>; David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

[EXTERNAL EMAIL]

Larry and Matt,

We are planning on producing our documents early next week. We still have not received any production from Barnes & Thornburg other than documents that had already been produced. The documents we received from the Special Committee were heavily redacted despite their clear inclusion of third parties,

and the Special Committee provided no privilege log. And we still have not received any explanation about the redactions on the documents that Barnes & Thornburg re-produced despite the Court already ruling that at least one of them is not privileged; nor have we received a privilege log for those redactions either.

Please provide us by Friday a timeline for when we can expect production from Barnes & Thornburg. Please also provide us by Friday with any explanation for any of the claimed privileges to support any of the redactions.

Regards,

Todd

Todd Disher | Lehotsky Cohn

From: Todd Disher <todd@lehotskycohn.com>
Date: Friday, September 18, 2026 at 12:47 PM
To: Larry Liu <lliu@beckredden.com>
Cc: Matthew Sheridan <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <JWolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Kevin Chiu <kevin.chiu@bakerbotts.com>; Tom O'Brien <Tom.OBrien@bakerbotts.com>; Travis McRoberts <travis.mcroberts@bakerbotts.com>; Victoria Miller <victoria.miller@bakerbotts.com>; Olga Marshall <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>; David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

That is correct. Without conceding that they have any relevant communications, our custodians will be Jon Cohn, Will Thompson, and myself.

> On Sep 18, 2026, at 11:27 AM, Larry Liu <lliu@beckredden.com> wrote:
>
> Thanks Todd, we'll let you know. So to be clear, Lehotsky Cohn is not proposing that Barnes & Thornburg run the same "Rhodium" search for all

third parties, but is offering to do so itself. Is that right? If so, no objection here, and we're agreed on search terms.

Can you please also identify the custodians that LC is applying the agreed search terms to?

Thanks,

Larry

LARRY LIU
Associate

Beck Redden LLP
(713) 951-6284 | direct

(205) 222-5049 | cell
(713) 951-3720 | fax

1221 McKinney Street | Suite 4500 | Houston, Texas 77010-2010

website | linkedin | vCard | map | lliu@beckredden.com

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From: Todd Disher <todd@lehotskycohn.com>
Sent: Friday, September 18, 2026 11:23 AM
To: Larry Liu <lliu@beckredden.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts

<aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

*** This message came from outside Beck Redden LLP. ***

Larry,

Thanks for the update. Those native documents must exist somewhere, and we don't really care who creates the log so long as it is accurate and complete. Let us know the status early next week, and we can get Judge Perez involved if needed.

On the search terms, perhaps my prior email wasn't clear enough. Barnes & Thornburg has agreed to run the search terms that we proposed should Lehotsky Cohn be willing to do the same. We are fine with B&T using those terms. But LC will go further and search for any communication with a third party (i.e., not Debtors, the Special Committee, or their counsel) that contains the word "Rhodium" from January 1, 2025, through the present. We will produce those results that are non-privileged and relevant to our fee application. Is that agreeable to you?

Todd

Todd Disher | Lehotsky Cohn

From: Larry Liu <lliu@beckredden.com>
Date: Thursday, September 17, 2026 at 11:47 AM
To: Todd Disher <todd@lehotskycohn.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001

Todd,

We've followed up with our client regarding the natives for the documents previously withheld on privilege, so that we can better assess the burden of providing a log and if we can even do so to begin with. We'll update you as soon as we can.

Regarding your proposed communications-with-third-parties search, we're open to your proposal. But could you please let us know the terms/custodians that you're applying? We've run a few searches on our end, but it is currently producing an excessive number of hits.

Thanks,

Larry

LARRY LIU
Associate

Beck Redden LLP
(713) 951-6284 | direct

(205) 222-5049 | cell
(713) 951-3720 | fax

1221 McKinney Street | Suite 4500 | Houston, Texas 77010-2010

website | linkedin | vCard | map | lliu@beckredden.com

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From: Todd Disher <todd@lehotskycohn.com>
Sent: Wednesday, September 16, 2026 10:54 AM
To: Larry Liu <lliu@beckredden.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

*** This message came from outside Beck Redden LLP. ***

Larry and Matt,

Do we have an agreement on search parameters? And we still have not received the privilege log for the documents produced months ago. When can we expect that?

Regards,

Todd

Todd Disher | Lehotsky Cohn

From: Todd Disher <todd@lehotskycohn.com>
Date: Wednesday, September 9, 2026 at 2:03 PM
To: Larry Liu <lliu@beckredden.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>

Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

Larry,

We appreciate your willingness to run the search terms that we proposed, should we agree to the same search terms. We agree to your proposal in principle, but, on our end, we will broaden the search that we conduct for our potentially responsive documents. We agree that we will search for all communications that we had with any third party (i.e., not Debtors, the Special Committee, or their counsel) related to our fee application from January 1, 2025, through the present (keeping in mind our prior agreement that we don't need to log purely internal communications or communications with Porter Hedges). Specifically, we will review all documents that contain the word Rhodium and produce the third-party communications, if any. Agreed?

Also, when can we expect a privilege log related to the documents that have already been produced, as we discussed last week?

Regards,

Todd

Todd Disher | Lehotsky Cohn

From: Larry Liu <lliu@beckredden.com>
Date: Tuesday, September 1, 2026 at 10:14 AM
To: Todd Disher <todd@lehotskycohn.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts

<aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001

Todd,

I just sent a Teams invite for 3 PM today. Let's please also discuss LKC's responses and objections to Barnes & Thornburg's First Set of RFPs on today's call.

Thanks,

Larry

LARRY LIU
Associate

Beck Redden LLP
(713) 951-6284 | phone
(713) 951-3720 | fax

1221 McKinney Street | Suite 4500 | Houston, Texas 77010-2010

website | linkedin | vCard | map | lliu@beckredden.com

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From: Larry Liu <lliu@beckredden.com>
Sent: Monday, August 31, 2026 4:35 PM
To: Todd Disher <todd@lehotskycohn.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts

<aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

Yes, I'll send an invite shortly. Talk at 3 PM tomorrow.

Larry

From: Todd Disher <todd@lehotskycohn.com>
Sent: Monday, 31 August 2026 12:10:10
To: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Larry Liu <lliu@beckredden.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

*** This message came from outside Beck Redden LLP. ***

Larry,

Do you want to send an invite for tomorrow at 3:00?

Todd

Todd Disher | Lehotsky Cohn

From: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>
Date: Monday, August 31, 2026 at 9:33 AM
To: Todd Disher <todd@lehotskycohn.com>; Larry Liu <lliu@beckredden.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001

Happy to join the call to discuss these issues to the extent they impact Mr. Eaton and Mr. Wells.

We also agree that both purely internal communications and communications between any party and their counsel need not be logged.

Matt Sheridan
Baker Botts L.L.P.
(713) 229-1568

From: Todd Disher <todd@lehotskycohn.com>
Sent: Friday, August 28, 2026 4:29 PM
To: Larry Liu <lliu@beckredden.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

[EXTERNAL EMAIL]

Larry,

Let’s do 3:00 CT on Tuesday afternoon.

Thanks,

Todd

Todd Disher | Lehotsky Cohn

From: Larry Liu <lliu@beckredden.com>
Date: Friday, August 28, 2026 at 4:00 PM
To: Todd Disher <todd@lehotskycohn.com>; 'Sheridan, Matthew' <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; 'Chiu, Kevin' <kevin.chiu@bakerbotts.com>; 'O'Brien, Tom' <Tom.OBrien@Bakerbotts.com>; 'McRoberts, Travis' <travis.mcroberts@bakerbotts.com>; 'Miller, Victoria' <victoria.miller@bakerbotts.com>; 'Marshall, Olga' <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001

Todd,

It might be helpful to discuss the issues you raise below on a call—particularly the privilege log for the Special Committee's prior production and our search terms. I'm out of the office through next Monday, but am available Tuesday and Wednesday next week to discuss. Please let me know a time that works for you either of those days to meet and confer.

Regarding privilege logs more generally, we agree that both purely internal communications and communications between any party to the sanctions hearing and their current counsel (LKC/Porter Hedges, B&T/Beck Redden) need not be logged. We also agree that we will log any privileged communications that include a third party.

We disagree, however, that all communications that include any other counsel or third party is necessarily not privileged, or that Barnes & Thornburg has somehow effected a broad waiver of all communications that include a third party by producing one communication involving Patty Tamasco. But, as you note, both sides will be able to evaluate any privilege claims on their respective privilege logs.

Best,
Larry

LARRY LIU
Associate
Beck Redden LLP

(713) 951-6284 | phone
(713) 951-3720 | fax

1221 McKinney Street | Suite 4500 | Houston, Texas 77010-2010

website | linkedin | vCard | map | lliu@beckredden.com

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From: Todd Disher <todd@lehotskycohn.com>
Sent: Friday, August 28, 2026 5:27 AM
To: Larry Liu <lliu@beckredden.com>; 'Sheridan, Matthew' <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; 'Chiu, Kevin' <kevin.chiu@bakerbotts.com>; 'O'Brien, Tom' <Tom.OBrien@Bakerbotts.com>; 'McRoberts, Travis' <travis.mcroberts@bakerbotts.com>; 'Miller, Victoria' <victoria.miller@bakerbotts.com>; 'Marshall, Olga' <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

*** This message came from outside Beck Redden LLP. ***

Larry and Matt,

I'm writing to follow up on a few items:

First, on the issue of privilege logs, we are willing to agree that none of the parties need to log documents that are either purely internal or include only the attorneys directly hired by that specific party. However, the parties will need to log any documents that they are claiming privilege over that include any other third party. So, to be clear, the following documents would not have to be included on a privilege log:

a. For Barnes & Thornburg -

i. Purely internal communications among only B&T lawyers or employees

ii. Communications that include only B&T and Beck Redden lawyers or employees

b. For the Special Committee -

i. Purely internal communications among members of the Special Committee

ii. Communications that include only members of the Special Committee and Baker Botts lawyers or employees

c. For Lehotsky Cohn -

i. Purely internal communications among only Lehotsky Cohn lawyers and employees

ii. Communications that include only Lehotsky Cohn and Porter Hedges lawyers or employees

Documents that include other third parties—such as Patty Tomasco, Mitch Hurley, or Chase Potter—are not privileged. The Court has already ruled that one such communication is not privileged when it admitted Exhibit 18 to the hearing on the fee dispute. And B&T has waived any privilege that might still have existed over those documents when it attached a communication with Ms. Tomasco to its response to the motion for sanctions. *See* Exh. 4 to B&T's Response. To the extent that any party attempts to claim privilege over communications with third parties, those assertions will need to be logged appropriately so that the claim can be evaluated.

Also, does the Special Committee plan on asserting privilege over the communications that it had with Barnes & Thornburg. We are willing to discuss whether and to what extent such privilege might exist. But it is unclear to us at this point whether the Special Committee is going to assert privilege over those communications.

Second, On the production that has already occurred, it appears that it might contain exactly such third-party communications, including perhaps the communication that the Court has already admitted. *See*, *e.g.*, BarnesThornburg_0000307. To the extent that the parties are maintaining an assertion of privilege over those documents, we need to evaluate such a claim. The email chain you previously attached recognized the timing constraints of a prior production in advance of the hearing on the motion for fees. Those timing restraints no longer exist. And you have expressly reproduced those documents in this sanctions proceeding. Therefore, we insist that whoever made the reductions produce a log accordingly.

Third, on search terms for B&T, the delta between our proposal and B&T's revised proposal is less than 4,000 unique hits—a proposed reduction by merely less than a third. The search terms that we proposed are targeted to the issues relevant to this motion by requiring *both* a hit on variations of our law firm's name or the SAFEs *and* the key terms relevant to the fee dispute. Artificially limiting those searches by a 25-word proximity connector could drop out potentially responsive documents. And including those additional potentially relevant and responsive hits in your review would not increase your burden disproportionately to the needs of the case. So we must insist on the search terms that we proposed, which would require a review of a relatively narrow universe of unique hits. Please let us know whether you agree.

Please let us know your position on the above points. And we are available to discuss as needed.

Regards,

Todd

Todd Disher | Lehotsky Cohn

From: Larry Liu <lliu@beckredden.com>
Date: Friday, August 21, 2026 at 7:17 PM
To: Todd Disher <todd@lehotskycohn.com>; 'Sheridan, Matthew' <matthew.sheridan@bakerbotts.com>; 'Joshua W. Wolfshohl' <jwolfshohl@porterhedges.com>; 'Michael B. Dearman' <MDearman@porterhedges.com>; 'Chiu, Kevin' <kevin.chiu@bakerbotts.com>; 'O'Brien, Tom' <Tom.OBrien@Bakerbotts.com>; 'McRoberts, Travis' <travis.mcroberts@bakerbotts.com>; 'Miller, Victoria' <victoria.miller@bakerbotts.com>; 'Marshall, Olga' <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001

Todd,

Thanks again for working with us on search terms; I'm hoping we can bridge the gap with our proposal below.

On the terms you had last proposed, we received 19,584 hits (totaling 35,152 hits with family members). The unique hits numbered 12,613 (and we are unable to see on the hit report alone how that number increases with family members). For reference, see the attached 20260812_SearchTermsReport.

Below is our revised proposal.

- ("LKC" OR "Lehotsky Keller" OR Cohn) w/25 ("success fee" OR "contingency" OR "allocat*" OR "fee app*" OR "fee dispute" OR engagement OR retention OR fiduciary OR "Rule 2004" OR 30(b)(6) OR sanction* OR cost* OR expense* OR Akin OR Mitch OR Patty OR SAFE OR "Ad Hoc Group")
- (Rhodium OR Debtors) w/25 ("success fee" OR "contingency" OR "allocat*" OR "fee app*" OR "fee dispute")
- ("SAFE" OR "Ad Hoc Group" OR Mitch OR Akin) w/25 ("success fee" OR "contingency" OR "allocat*" OR "fee app*" OR "fee dispute")
- (Whinstone OR PSA OR Settlement OR "Purchase and Sale Agreement") w/25 ("allocate*" OR "tax" OR "Form 8594")

We have agreed to your "Rhodium" and "Whinstone" terms using a "w/25" connector, rather than as we had proposed, "w/10." For the other two terms,

we have made the following modifications:

- On the LKC term, we have substituted a “w/25” connector for “AND,” and removed the terms “deposition” and “discovery.” These two broad terms are the chief cause of the large number of hits.
- On the SAFE term, we have substituted a “w/25” connector for “AND.”

With these revisions, the hit count remains significant and disproportionate to the needs of the narrow issues in the case: 14,290 hits, 28,177 when family members are included. But with de-duplication, the hit count decreases from LKC’s proposal of 12,613 unique hits to 8,905 unique hits. See the attached 20260821_SearchTermsReport. We are willing to review from this set and produce responsive, non-privileged documents.

Please let us know if you’re agreeable to this proposal. As always, happy to discuss.

Thanks,
Larry

LARRY LIU
Associate

Beck Redden LLP
(713) 951-6284 | phone
(713) 951-3720 | fax

1221 McKinney Street | Suite 4500 | Houston, Texas 77010-2010

website | linkedin | vCard | map | lliu@beckredden.com

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From: Larry Liu
Sent: Friday, August 21, 2026 10:53 AM
To: Todd Disher <todd@lehotskycohn.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts

<aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001

Todd,

On the privilege log, it's our understanding that—at LKC's proposal—LKC and the Special Committee (through Barnes & Thornburg) had previously agreed to waive the privilege-log requirement for both parties' productions. *See* J. Wolfshohl Oct. 6, 2025 Email ("we propose that both sides waive the privilege log requirement"). Given that we have merely re-produced documents that were previously redacted, it does not make sense to us to attempt to re-create a privilege log, particularly where the parties had agreed to waive the requirement. Of course, we are willing to provide a privilege log for any subsequent Barnes & Thornburg production to the extent responsive documents are withheld based on a privilege, assuming that LKC will do the same for its productions.

And yes, we agree that we will produce any non-custodial files that we are aware of that are responsive to LKC's requests (as we have already done with the Special Committee's prior production).

I'll be back to you with another pass on search terms later today, but we are getting closer. Thanks for working with us on this.

Best,
Larry

LARRY LIU
Associate

Beck Redden LLP
(713) 951-6284 | phone
(713) 951-3720 | fax

1221 McKinney Street | Suite 4500 | Houston, Texas 77010-2010

website | linkedin | vCard | map | lliu@beckredden.com

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From: Todd Disher <todd@lehotskycohn.com>
Sent: Thursday, August 20, 2026 4:13 PM
To: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Larry Liu <lliu@beckredden.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

*** This message came from outside Beck Redden LLP. ***

Thank you, Matt. When can we expect a privilege log for the documents that have already been produced?

Larry - do you likewise agree? And what about the revised and narrowed search terms?

Todd

Todd Disher | Lehotsky Cohn

From: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>
Date: Tuesday, August 18, 2026 at 7:14 PM
To: Todd Disher <todd@lehotskycohn.com>; Larry Liu <lliu@beckredden.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001
Todd,

On the third item, the Special Committee agrees that it will produce any other responsive third-party communications of which it is aware along with the search protocol we have agreed to use. We expect to be in a position to make a production next week.

Also, please see the attached.

Best,

Matt Sheridan
Baker Botts L.L.P.

(713) 229-1568

From: Todd Disher <todd@lehotskycohn.com>
Sent: Tuesday, August 18, 2026 2:27 PM
To: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Larry Liu <lliu@beckredden.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

[EXTERNAL EMAIL]

Matt and Larry,

We still haven't received a response to any of the points in my email from a week ago. Can you please provide updates on the following three points, as explained in more detail below:

1. When can we expect a privilege log regarding the productions that have already occurred?
2. Does Barnes & Thornburg agree to our proposed narrowed search terms?
3. Please confirm that all parties will produce all of the responsive documents that they know about even if the documents don't hit on a search term or fall outside of the agreed date range.

Also, when can we expect a production from the Special Committee?

Regards,

Todd

Todd Disher | Lehotsky Cohn

From: Todd Disher <todd@lehotskycohn.com>
Date: Tuesday, August 11, 2026 at 4:52 PM
To: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Larry Liu <lliu@beckredden.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will

Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001
Thanks, Larry and Matt. A few points to respond to you both:

First, did the Special Committee apply the redactions to the documents that have now been produced? Either way, we need a privilege log from whichever party applied the redactions so we can evaluate the claim of privilege (in part because the redactions cover up even the most basic information about the emails that have been redacted). The log needs to also include any documents that were withheld in full based on a claim of privilege.

Second, as for the search terms, is it the word "Keller" that is driving up the hit count? It is unclear why Barnes & Thornburg would have tens of thousands of documents referencing our firm from this limited time period. But to alleviate your burden even more, we would be willing to agree to the following terms:

- ("LKC" OR "Lehotsky Keller" OR Cohn) AND ("success fee" OR "contingency" OR "allocat*" OR "fee app*" OR "fee dispute" OR engagement OR retention OR fiduciary OR "Rule 2004" OR discovery OR 30(b)(6) OR deposition OR sanction* OR cost* OR expense* OR Akin OR Mitch OR Patty OR SAFE OR "Ad Hoc Group")

- (Rhodium OR Debtors) w/25 ("success fee" OR "contingency" OR "allocat*" OR "fee app*" OR "fee dispute")

- ("SAFE" OR "Ad Hoc Group" OR Mitch OR Akin) AND ("success fee" OR "contingency" OR "allocat*" OR "fee app*" OR "fee dispute")

- (Whinstone OR PSA OR Settlement OR "Purchase and Sale Agreement") w/25 ("allocate*" OR "tax" OR "Form 8594")

Third, as to the third-party communications that the Court has already ordered to be produced, we understand that those should be captured during the search protocols. But we also assume—and insist—that the parties will produce any other responsive documents that they know about (i.e., even if they don't hit on a term or fall outside of the agreed date range). Please confirm that is so.

Regards,

Todd

Todd Disher | Lehotsky Cohn

From: Sheridan, Matthew <matthew.sheridan@bakerbotts.com>
Date: Tuesday, August 11, 2026 at 1:31 PM
To: Larry Liu <lliu@beckredden.com>; Todd Disher <todd@lehotskycohn.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001
Todd,

With respect to the “third-party communications” we believe that the parameters of the search protocol we have agreed to use will capture such documents to the extent they have not already been produced. As we discussed, the Special Committee will use that search protocol to review the documents returned for privilege and responsiveness.

Matt Sheridan
Baker Botts L.L.P.
(713) 229-1568

From: Larry Liu <lliu@beckredden.com>
Sent: Tuesday, August 11, 2026 10:40 AM
To: Todd Disher <todd@lehotskycohn.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001

[EXTERNAL EMAIL]

Todd,

The production volume on Friday contains all documents that the Special Committee previously produced in connection with the fee hearing. We have re-stamped them to make clear they are being re-produced in connection with

LKC's current sanctions motion, and we have not made any new privilege assertions. The SpecialCommittee_### bates numbering reflects the prior fee-hearing production, not that this production is being made jointly by the Special Committee and Barnes & Thornburg.

As for duplication, we of course do not intend to create unnecessary work. Again, any duplication in the first production volume stems from the Special Committee's prior production(s) in relation to the fee hearing. In any event, we expect that some duplication will be inevitable given that we are proceeding by custodial collection and production by search terms—particularly if (even on Barnes & Thornburg's proposal) we must review roughly 8,000 documents for responsiveness.

We appreciate LKC's offer not to produce communications with LKC that may already be in LKC's possession, custody, or control, but excluding those communications would not alleviate the burden to Barnes & Thornburg such that we could agree to the terms that the Special Committee and LKC have agreed to. Emails to/from/cc/bcc an LKC domain comprise a small portion of the 35,000 hits (before including family members/attachments) that LKC's proposed terms hit on—just over 600 documents (including family members). We expect to produce those communications later today. This will ensure that any document that either party might use at the hearing has been produced and bates-stamped, both to avoid any issue later of an unproduced document and for ease of reference at the hearing. To be clear, we are not making this production in lieu of any other production, but rather in addition to any further production(s) based on search terms the parties ultimately agree on.

As I noted in my email last Friday, in the interests of compromise, Barnes & Thornburg has already agreed to collect and produce responsive, non-privileged documents from January 1, 2025 to the present. And our proposed terms now yield roughly 8,000 documents—a number we believe remains disproportionate, but that we are willing to review from and produce responsive, non-privileged documents. We will start reviewing promptly as soon as we receive your agreement.

Finally, regarding third-party communications, I defer to Matt and the Baker Botts team. LKC's prior request, and the Court's order, concerned communications with the Special Committee, not Barnes & Thornburg. To the extent those communications are responsive to LKC's current requests to Barnes & Thornburg and hit on the relevant search terms, we will produce them.

As always, we're available to discuss.

Best,
Larry

LARRY LIU
Associate

Beck Redden LLP
(713) 951-6284 | phone
(713) 951-3720 | fax

<image001.jpg>

1221 McKinney Street | Suite 4500 | Houston, Texas 77010-2010

website | linkedin | vCard | map | lliu@beckredden.com

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From: Todd Disher <todd@lehotskycohn.com>
Sent: Sunday, August 9, 2026 8:38 PM
To: Larry Liu <lliu@beckredden.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Re: Case No. 24-90454 - B&T Production VOL001

*** This message came from outside Beck Redden LLP. ***

Larry,

Thank you for the first volume of production. Can you please provide some context about what it is? Which RFPs do the documents relate to? What search terms did you use, and which custodians did you include in the search? There are also many documents that contain redactions without any way for us to judge the supposed claim of privilege. Please provide us with a privilege log to explain each of the redactions and listing any other documents that were withheld in full. The documents are also stamped with two sets of Bates numbers. Are these documents being produced by both Barnes & Thornburg and the Special Committee?

It also appears that the production contains duplicative documents. It also contains many documents that we already have (for example, emails where one or multiple LKC lawyers were included in the last transmission) despite our agreement that you don't need to produce those documents. Excluding duplicates and documents we already have should greatly reduce the number of hits on the four narrow, targeted search terms that LKC and the Special Committee have agreed to. Will that satisfy your concerns with those terms? And when can we expect to receive the third-party communications that the Court ordered produced 9 months ago?

Regards,

Todd

Todd Disher | Lehotsky Cohn

From: Larry Liu <lliu@beckredden.com>
Date: Friday, August 7, 2026 at 3:55 PM
To: Todd Disher <todd@lehotskycohn.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: RE: Case No. 24-90454 - B&T Production VOL001
Password:[REDACTED]

LARRY LIU
Associate

Beck Redden LLP
(713) 951-6284 | phone
(713) 951-3720 | fax

<image001.jpg>

1221 McKinney Street | Suite 4500 | Houston, Texas 77010-2010

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From: Larry Liu
Sent: Friday, August 7, 2026 3:55 PM

To: 'Todd Disher' <todd@lehotskycohn.com>; Sheridan, Matthew <matthew.sheridan@bakerbotts.com>; Joshua W. Wolfshohl <jwolfshohl@porterhedges.com>; Michael B. Dearman <MDearman@porterhedges.com>; Chiu, Kevin <kevin.chiu@bakerbotts.com>; O'Brien, Tom <Tom.OBrien@Bakerbotts.com>; McRoberts, Travis <travis.mcroberts@bakerbotts.com>; Miller, Victoria <victoria.miller@bakerbotts.com>; Marshall, Olga <olga.marshall@bakerbotts.com>; Will Thompson <will@lehotskycohn.com>
Cc: David J. Beck <DBECK@beckredden.com>; Alex B. Roberts <aroberts@beckredden.com>; David Judd <djudd@beckredden.com>; Hien Nguyen <hnguyen@beckredden.com>
Subject: Case No. 24-90454 - B&T Production VOL001

Counsel,

Please find Barnes & Thornburg's first production VOL001 at the link below. Password to follow under separate cover.

BarnesThornburg_ 0000001 - BarnesThornburg_ 0004846 – VOL001 – 2026-08-07.7z
https://files.beckredden.com/dl/GgXMGv88TDRP

Best,
Larry

LARRY LIU
Associate

Beck Redden LLP
(713) 951-6284 | phone
(713) 951-3720 | fax

<image001.jpg>

1221 McKinney Street | Suite 4500 | Houston, Texas 77010-2010

website | linkedin | vCard | map | lliu@beckredden.com

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EXHIBIT 5

From: Hurley, Mitchell [mhurley@AkinGump.com]
Sent: 12/7/2025 11:43:43 PM
To: David Eaton [deatondirector@gmail.com]
CC: Schmeltz, Trace [TSchmeltz@btlaw.com]; Patty Tomasco [pattytomasco@quinnemanuel.com]; Schultz, Sarah A. [sschultz@AkinGump.com]; Cameron Kelly [cameronkelly@quinnemanuel.com]; Charles Topping [chucktopping@rhdm.com]; Spencer Wells [swells@drivetrainllc.com]; Michael Robinson [mrobinson@provincefirm.com]; David Dunn [ddunn@provincefirm.com]; Chase Potter [potter@imcplaw.com]
Subject: RE: Revised draft

Is the LKC dispute a Conflict Matter? No one ever took that position before, though we certainly asked several times. If it is not a Conflict Matter, then I don't think it is accurate that "lead counsel" is unavailable. And we should not suggest that Trace's unavailability on December 17 is viewed by the Plan Proponents as a reason for adjourning the hearing. Certainly, the sole economic stakeholders in these cases do not believe that to be true.

Chase Potter's suggestion is a good one though. Let's give it a shot.

Mitchell P. Hurley
Akin
Direct: +1 212.872.1011

From: David Eaton <deatondirector@gmail.com>
Sent: Sunday, December 7, 2025 6:34 PM
To: Hurley, Mitchell <mhurley@AkinGump.com>
Cc: Schmeltz, Trace <TSchmeltz@btlaw.com>; Patty Tomasco <pattytomasco@quinnemanuel.com>; Schultz, Sarah A. <sschultz@AkinGump.com>; Cameron Kelly <cameronkelly@quinnemanuel.com>; Charles Topping <chucktopping@rhdm.com>; Spencer Wells <swells@drivetrainllc.com>; Michael Robinson <mrobinson@provincefirm.com>; David Dunn <ddunn@provincefirm.com>; Chase Potter <potter@imcplaw.com>
Subject: Re: Revised draft

EXTERNAL Email

Also , the Judge should be made aware that lead counsel may be unavailable. That's an important consideration.

David L. Eaton
+312-953-1092

On Sun, Dec 7, 2025 at 5:28 PM Hurley, Mitchell <mhurley@akingump.com> wrote:

> Adding Chase Potter.
>
> We cannot say that David "will need to be accommodated remotely," that is up to the Court not us. And as I said to Trace on the phone this afternoon, we do not agree to present this email in a manner likely to cause the Court to move the hearing to January even if he does not decouple LKC from confirmation. Trace's draft presents exactly that risk, and it is unacceptable. You all will remember that I told Trace during prep last week again and again that he should limit his presentation to David only, and that if he had to put on Hayes, he should limit to 20 minutes maximum. For whatever reason, the decision was made (not by us) to spend 4.5 hours on Wednesday on Hayes and Wheeler instead of getting to David. The consequences of that decision

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

In re:	§	Chapter 11
	§	
RHODIUM ENTERPRISES, INC.,[1]	§	Case No. 24-90454 (ARP)
	§	
Wind Down Debtor.	§	
	§	(Jointly Administered)
	§	

ORDER GRANTING LEHOTSKY COHN LLP'S MOTION TO COMPEL DISCOVERY FROM BARNES & THORNBURG LLP
[Relates to ECF No. 2302]

Upon consideration of the *Lehotsky Cohn LLP's Motion to Compel Discovery from Barnes & Thornburg LLP* (the "***Motion***");[2] and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the Amended Standing Order; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that it may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. § 1408; and this Court having found that the relief requested in the Motion is justified; and this Court having found that LC's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at

[1] 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 (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.

[2] Capitalized terms not otherwise defined herein carry the meanings ascribed to them in the Motion.

a hearing before this Court, if any (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Motion and the Hearing with respect to the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. Barnes & Thornburg LLP shall produce to LKC all non-privileged documents responsive to the Document Requests within fourteen (14) days of entry of this Order.

2. Barnes & Thornburg LLP shall serve a privilege log on LKC compliant with Rule 26(b)(5)(A) and the Document Requests' instructions within fourteen (14) days of entry of this Order.

3. The Court shall set a status and scheduling conference on [●].

Dated: _____, 2026

_____

HONORABLE ALFREDO R. PÉREZ
UNITED STATES BANKRUPTCY JUDGE