

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

EPIC! CREATIONS, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11161 (JTD)

(Jointly Administered)

Re D.I. Nos. 244, 276, 318, 340

Claudia Z. Springer, Chapter 11 Trustee,

Plaintiff,

Adv. Pro. No. 24-50233 (JTD)

(Jointly Administered)

vs.

Google LLC,
Voizzit Technology Private Ltd.,
Voizzit Information Technology LLC,
Vinay Ravindra,
Rajendran Vellapalath,

**Proposed Objection Deadline: At the time of the
Hearing**

Proposed Hearing Date: December 3, 2024 at 9:00 a.m.

Defendants.

Re D.I. Nos. 2, 3, 4, 14, 18

**CHAPTER 11 TRUSTEE'S MOTION FOR ENTRY
OF AN ORDER SHORTENING NOTICE OF HEARING
ON (I) THE CHAPTER 11 TRUSTEE'S EMERGENCY MOTION
TO HOLD THE VOIZZIT DEFENDANTS IN CONTEMPT OF COURT
FOR THEIR FAILURE TO COMPLY WITH THE COURT'S NOVEMBER 19
ORDER; AND (II) THE CHAPTER 11 TRUSTEE'S EMERGENCY MOTION TO
HOLD VOIZZIT TECHNOLOGY PRIVATE, LTD., VOIZZIT INFORMATION
TECHNOLOGY, LLC, VINAY RAVINDRA, REJENDRAN VELLAPALATH, AND
THINK & LEARN PRIVATE LTD. IN CONTEMPT OF COURT FOR THEIR
CONTINUING FAILURE TO COMPLY WITH THE AUTOMATIC STAY**

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: Epic! Creations, Inc. (9113); Neuron Fuel, Inc. (8758); and Tangible Play, Inc. (9331).



Claudia Z. Springer, Esq., in her capacity as Chapter 11 Trustee (the “Trustee”) of Epic! Creations, Inc. (“Epic”), Neuron Fuel, Inc. (“Neuron Fuel”), and Tangible Play, Inc. (“Tangible Play,” together with Epic and Neuron Fuel, collectively the “Debtors”), respectfully moves (the “Motion to Shorten”) as follows:

RELIEF REQUESTED

1. By this Motion to Shorten, the Trustee requests, pursuant to section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rules 2002 and 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”) (i) shortening the notice period for the hearing on the *Chapter 11 Trustee’s Emergency Motion to Hold the Voizzit Defendants in Contempt of Court for Their Failure to Comply with the Court’s November 19 Order* (the “TRO Contempt Motion”) [Adv. D.I. 18] filed contemporaneously herewith; (ii) shortening the notice period for the hearing on the *Chapter 11 Trustee’s Emergency Motion to Hold Voizzit Technology Private, Ltd., Voizzit Information Technology, LLC, Vinay Ravindra, Rajendran Vellapalath, and Think & Learn Private Ltd. in Contempt of Court for their Continuing Failure to Comply with the Automatic Stay* (the “Stay Order Contempt Motion”) [D.I. 340] (together with the TRO Contempt Motion, the “Voizzit Contempt Motions”),² filed contemporaneously herewith seeking entry of orders holding the applicable respondents in contempt for violating this Court’s prior orders; and (iv) scheduling a hearing (the “Hearing”) to consider the relief requested in the Voizzit Contempt Motions on

² Capitalized terms not defined herein are used as defined in the Motion, which is incorporated herein by reference.

December 3, 2024 at 9:00 AM ET, and (v) permitting parties to file objections, if any, to the Voizzit Contempt Motions no later than the time of the Hearing.

JURISDICTION

2. The Court has jurisdiction over the Motion to Shorten pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of this proceeding and the Motion to Shorten is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory basis for the relief requested herein is section 105 of the Bankruptcy Code, Bankruptcy Rules 2002 and 9006, and Rule 9006-1(e) of the Local Rules.

4. Pursuant to Local Rule 9013-1(f), the Trustee consents to the entry of a final order by the Court if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

BACKGROUND

5. On June 4-5, 2024, (the “Petition Date”), GLAS Trust Company LLC, in its capacity as administrative and collateral agent (“GLAS”) under the November 24, 2021, Credit and Guaranty Agreement (the “Credit Agreement”) and certain lenders under the Credit Agreement (the “Prepetition Lenders”) filed an involuntary chapter 11 petition against each Debtor. [D.I. 1]

6. On June 27, 2024, this Court entered an order directing joint administration of the Debtors’ cases for procedural purposes. [D.I. 61].

7. On September 16, 2024 (the “Order for Relief Date”), this Court entered an order for relief in the Debtors’ involuntary chapter 11 cases and directed the appointment of a chapter 11 trustee as a default sanction based on the Debtors’ failure to comply with their discovery obligations to GLAS and the Petitioning Lender Creditors. [D.I. 147]

8. On September 23, 2024, the United States Trustee for Region 3 (the “U.S. Trustee”) duly appointed the Claudia Z. Springer as chapter 11 trustee (the “Trustee”) of each Debtor, subject to approval by the Court. [D.I. 152]

9. Immediately upon her appointment, the Trustee, with the support of her legal and financial advisors, took steps to familiarize herself with and stabilize the Debtors’ businesses and operations, secure the Debtors’ assets wherever located, identify reliable books and records, and assemble the information necessary to provide to this Court and other stakeholders.

10. The Trustee filed an emergency motion to enforce the stay (the “Stay Motion”) on November 4, 2024. [D.I. 244]. As set forth in the Stay Motion, the Voizzit Respondents violated the automatic stay by, among other things, transferring funds and essential data—including the Epic App—from Epic’s Estate to the Voizzit Defendants. Following the filing of the Stay Motion, the Trustee learned of additional stay violations, which were set forth in a supplemental declaration filed in support of the Stay Motion. [D.I. 318]. On November 12, 2024, this Court entered a Stay Order finding that the Voizzit Defendants’ actions violated the stay (the “Stay Order”). [D.I. 276].

11. On November 18, 2024, the Trustee additionally filed an Adversary Proceeding which case is styled as *Claudia Z. Springer, Chapter 11 Trustee v. Google LLC, Voizzit Technology Private Ltd., et. al*, Adv. Pro. No. 24-50233 (JTD), seeking among other relief, a temporary restraining order enjoining the Voizzit Defendants from continuing to assert control and possession over the Debtors’ property. As set forth in the Trustee’s motion for temporary restraining order,

the Voizzit Defendants' actions were causing significant and ongoing harm to the Estates and needed to be stopped immediately.

12. On November 19, 2024, this Court entered the TRO finding that the Voizzit Defendants must provide the Trustee and Google with certain items related to the Google Accounts (the "TRO"). [Adv. D.I. 14].

13. On November 21, 2024, the Trustee learned that the Voizzit Defendants continued to violate the automatic stay *after the entry of the November 12, 2024 and November 19, 2024 Stay Order and TRO*, as described in detail in the Voizzit Contempt Motions and related exhibits filed contemporaneously herewith.

14. At the November 21, 2024 Court hearing, counsel for Voizzit stated to this Court: "We also had a conversation [with our clients] about the TRO. *They've also indicated they're planning to comply with the two provisions of the TRO order that required turnover of information to Google by Friday,*" (11/21/24 Tr. at 20), and again, in response to the Trustee's counsel's concern about their compliance with the TRO, "Your Honor, the Court orders, we've been told by the client that they're planning on doing all of those things, *especially with respect to the TRO Order and they're just trying to get the analysis done on the funds returned.*" (11/21/24 Tr. at 95) (emphasis supplied).

15. Also at the November 21 hearing, the Voizzit Defendants falsely stated, "Voizzit diligently prepared its responses to the interrogatories ... which they served to counsel to GLAS and the trustee on Sunday night." (11/21/24 Tr. at 10.) This is a false statement. As of today, November 25, 2024, the Voizzit Defendants have not responded to any of the Trustee's or GLAS's interrogatories or requests for production.

16. The Trustee met with counsel for the Voizzit Defendants on Monday, November 25, 2024 to discuss the Voizzit Defendants failure to comply with the TRO and Stay Order. Counsel stated that they were continuing to “press” their clients to comply but could not state when compliance would be forthcoming.

17. Notwithstanding those statements to the Court, the Voizzit Defendants did not comply with the TRO and Stay Order entered by this Court.

18. The Trustee believes that emergency relief is appropriate and necessary. Although Google has represented to the Trustee that it is working to restore the various intellectual property and other information that the Voizzit Defendants wrongfully transferred, Google has advised that without cooperation of the Voizzit Defendants mandated by the TROs, it could take weeks to do so. Each day that the Trustee does not have complete control over the Debtors’ businesses harms the estates, not only because of the time and attention she and her counsel and advisors are required to spend addressing the operational and legal harm, but also because the Trustee is bound by tight DIP milestones to prepare the Debtors’ businesses for a sale.

19. Time pressures to allow the Debtors’ businesses to continue operating as a going concern without bad actors consistently draining the Debtors’ estates warrants such shortened notice such that the Voizzit Contempt Motions be heard along with the already continued sanctions hearing scheduled for December 3, 2024.

CERTIFICATION PURSUANT TO LOCAL RULE 9006-1(e)

20. In accordance with Local Rule 9006-1(e), on the date hereof, the Trustee contacted counsel to the Office of the United States Trustee (the “U.S. Trustee”) to ascertain if each party would oppose permitting the Voizzit Contempt Motions to be heard on December 3, 2024. The U.S. Trustee did not oppose the Motion to Shorten.

BASIS FOR RELIEF

21. Bankruptcy Rule 4001 provides that “[t]he court may commence a final hearing on a motion for authority to obtain credit no earlier than fourteen (14) days after service of the motion.” Fed. R. Bankr. P. 4001(c)(2). Further, as a default, Local Rule 9006-1(c)(ii) provides, “the deadline for objection(s) shall be no later than seven (7) days before the hearing date.” Del. Bank. L.R. 9006-1(c)(ii).

22. Pursuant to section 102(1) of the Bankruptcy Code, the phrase “after notice and a hearing” requires only such notice and opportunity for a hearing as may be appropriate under the circumstances. 11 U.S.C. § 102(1) (2018). Section 105(a) of the Bankruptcy Code provides that the Court “may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions” of the Bankruptcy Code. *Id.* § 105(a).

23. Under Bankruptcy Rule 9006, the Court may order time periods set by the Bankruptcy Rules to be reduced “for cause shown.” Fed. R. Bank. P. 9006(c)(1). In exercising such discretion, the court should “consider the prejudice to parties entitled to notice and weigh this against the reasons for hearing the motion on an expedited basis.” *In re Phila. Newspapers, LLC*, 690 F.3d 161, 171–72 (3d Cir. 2012) (noting the commonality of such motions “[g]iven the accelerated time frame of bankruptcy proceedings”). Local Rule 9006-1(e) likewise provides for shortened notice “by order of the Court, on written motion . . . specifying the exigencies justifying shortened notice.” Del. Bankr. L.R. 9006-1(e).

24. Time is of the essence and if the Trustee was required to wait for the Voizzit Contempt Motions to be granted following the default fourteen-day period, there is a substantial and real risk the Debtors’ estates will continue to be depleted without any recourse.

25. Therefore, the Trustee respectfully submits that shortening notice of the Voizzit Contempt Motions as requested herein is reasonable under the circumstances. For these reasons,

the Trustee respectfully submits that allowing the Voizzit Contempt Motions to be considered on shortened notice at a hearing on December 3, 2024, is reasonable and appropriate under the circumstances.

CONCLUSION

WHEREFORE, the Trustee respectfully requests entry of an order, substantially in the form of the proposed order, attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as may be just and proper.

Dated: November 26, 2024
Wilmington, Delaware

PASHMAN STEIN WALDER HAYDEN, P.C.

/s/ Alexis R. Gambale
Henry J. Jaffe (No. 2987)
Joseph C. Barsalona II (No. 6102)
Alexis R. Gambale (No. 7150)
824 N. Market Street, Suite 800
Wilmington, DE 19801
Telephone: (302) 592-6496
Email: hjaffe@pashmanstein.com
jbarsalona@pashmanstein.com
agambale@pashmanstein.com

-and-

JENNER & BLOCK LLP

Catherine Steege (admitted *pro hac vice*)
Melissa Root (admitted *pro hac vice*)
William A. Williams (admitted *pro hac vice*)
353 N. Clark Street
Chicago, Illinois 60654
Telephone: (312) 923-2952
Email: csteege@jenner.com
mroot@jenner.com
wwilliams@jenner.com

Co-Counsel to the Trustee

Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

EPIC! CREATIONS, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11161 (JTD)

Re: D.I.

**ORDER SHORTENING NOTICE OF HEARING ON (I) THE CHAPTER 11
TRUSTEE’S EMERGENCY MOTION TO HOLD THE VOIZZIT DEFENDANTS IN
CONTEMPT OF COURT FOR THEIR FIALURE TO COMPLY WITH THE
COURT’S NOVEMBER 19 ORDER; AND (II) THE CHAPTER 11 TRUSTEE’S
EMERGENCY MOTION TO HOLD VOIZZIT TECHNOLOGY PRIVATE, LTD.,
VOIZZIT INFORMATION TECHNOLOGY, LLC, VINAY RAVINDRA,
REJENDRAN VELLAPALATH, AND THINK & LEARN PRIVATE LTD. IN
CONTEMPT OF COURT FOR THEIR CONTINUING FAILURE TO COMPLY
WITH THE AUTOMATIC STAY**

Upon the motion (the “Motion to Shorten”)² of Claudia Z. Springer, Esq., in her capacity as Chapter 11 Trustee (the “Trustee”) of Debtors for entry of an order (the “Order”) shortening notice of the *Chapter 11 Trustee’s Emergency Motion to Hold the Voizzit Defendants in Contempt of Court for Their Failure to Comply with the Court’s November 19 Order*; and the *Chapter 11 Trustee’s Emergency Motion to Hold Voizzit Technology Private, Ltd., Voizzit Information Technology, LLC, Vinay Ravindra, Rajendran Vellapalath, and Think & Learn Private Ltd. in Contempt of Court for their Continuing Failure to Comply with the Automatic Stay* (together, the “Voizzit Contempt Motions”), the Court having reviewed the Motion to Shorten and found that the relief requested therein is justified under the circumstances,

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number are: Epic! Creations, Inc. (9113); Neuron Fuel, Inc. (8758); and Tangible Play, Inc. (9331).

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion to Shorten.

IT IS HEREBY ORDERED THAT:

1. The Motion to Shorten is **GRANTED**.
2. The Voizzit Contempt Motions will be considered at the hearing scheduled for December 3, 2024, at 9:00 AM ET.
3. Objections, if any, to the relief requested in the Voizzit Contempt Motions must be filed and served so as to be received by the Chapter 11 Trustee by no later than the time for the scheduled Hearing.
4. The Court retains jurisdiction with respect to all matters arising from or related to the interpretation or implementation of this Order.