

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

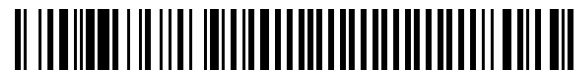
In re:	Chapter 11
EPIC! CREATIONS, INC., <i>et al.</i> , ¹	Case No. 24-11161 (JTD)
Debtors.	(Jointly Administered)
Claudia Z. Springer, Chapter 11 Trustee,	Adv. Pro. No. 24-50233 (JTD)
Plaintiff,	(Jointly Administered)
vs.	
Google LLC, Voizzit Technology Private Ltd. Voizzit Information Technology LLC Vinay Ravindra Rajendran Vellapalath	Objection Deadline: At the time of the Hearing Hearing Date: December 3, 2024 at 9:00 a.m. ET
Defendants.	Related Adv. D.I. Nos. 2, 3, 4, 14, 24 & 25

**CHAPTER 11 TRUSTEE'S EMERGENCY MOTION
TO STRIKE TARDY PRO SE OPPOSITION TO PRELIMINARY INJUNCTION**

Plaintiff Claudia Z. Springer, Esq., in her capacity as Chapter 11 Trustee (the “Trustee”) of the Estates of Epic! Creations, Inc. (“Epic”), Neuron Fuel, Inc. (“Neuron Fuel”), and Tangible Play, Inc. (“Tangible Play,” together with Epic and Neuron Fuel, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”) brings this emergency motion (the “Motion”)² to strike the *Brief in Opposition to Preliminary Injunction* [Adv. D.I. 24] (the “Objection”) and *Declaration of Rajendran Vellapalath in Support of Brief in Opposition to Preliminary Injunction*

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 Docket entries referenced in the main bankruptcy case (No. 24-11161) will be indicated with “[D.I.]” and docket entries referenced in the adversary proceeding (No. 24-50233) will be indicated with “[Adv. D.I.]”.



241116124120200000000009

[Adv. D.I. 25] (the “Declaration,” and collectively with the Objection, the “Pro Se Filings”) filed *pro se* and *after* the deadline for filing objections, and respectfully states:

PRELIMINARY STATEMENT

1. The Court should strike the Pro Se Filings for at least four reasons. ***First***, because they are corporate entities, neither Defendant Voizzit Information Technology LLC nor Defendant Voizzit Technology Private Ltd. may appear *pro se* and can only appear through counsel. ***Second***, the Pro Se Filings were made *after* the objection deadline of November 26, 2024. The *pro se* filers offer no excuse for why their filings are late and none is available given that they were represented by counsel and present during the hearing at which the temporary restraining order was entered setting the objection deadline. ***Third***, this Court has made it clear that individuals who want to testify must do so in person in the court room in Delaware. During a conversation with counsel who filed the Pro Se Filings as a “courtesy,” he indicated that the declarant Rajendren Vellapalath will not appear at the preliminary injunction hearing. Counsel also stated that he invited Mr. Vellapalath to participate in counsel’s December 1st scheduling call and he did not participate. Because the purported objection is based entirely on a declaration that will not be admissible, it should be stricken. ***Finally***, the Trustee noticed Mr. Vellapalath to appear at a deposition and also noticed Rule 30(b)(6) examinations of both of the corporate entities. To date, none have appeared, despite repeated requests that they do so. The Court therefore should refuse to consider any evidence they might offer in support of their Objection, including, but limited to the Declaration. Accordingly, for all of these reasons, the Pro Se Filings should be stricken.

2. The Trustee makes this emergency Motion in advance of the hearing scheduled for December 3, 2024 with the hope that the Court will be able to address these issues in advance of the hearing so as to shorten and streamline the issues to be heard on December 3, 2024.

JURISDICTION AND VENUE

3. The United States Bankruptcy Court for the District of Delaware (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b), and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated as of February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (O). Pursuant to Rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, the Trustee consents to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent the consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

4. Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

5. On November 18, 2024, the Trustee filed suit against the Voizzit Defendants (defined below) and Google, LLC, seeking, among other relief, a temporary restraining order enjoining the Voizzit Defendants from continuing to assert control and possession over the Debtors’ property.

6. On November 19, 2024, this Court entered a temporary restraining order (the “TRO”). Counsel of record for Defendants Voizzit Information Technology LLC, Voizitt Technology Private Ltd., and Rajendran Vellapalath (the “Voizzit Defendants”) was present at the November 19, 2024 hearing. *See* D.I. 323.

7. The TRO set a hearing to consider the Trustee’s request for a preliminary injunction on December 3, 2024 at 9 a.m. ET and further stated that objections were due three business days

before the hearing, or on November 26, 2024. [Adv. D.I. 14.] No objections were filed to the motion for a preliminary injunction by November 26, 2024.

8. The Voizzit Defendants were aware of the TRO and its terms because their counsel told the Court during a hearing held on November 21, 2024 (the “November 21 Hearing” or “Nov. 21 Hrg.”) that: “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.*” See Nov. 21 Hrg. Tr. at 20 [D.I. 338].

9. On December 1, 2024, the Voizzit Defendants filed the Pro Se Filings.³

10. Previously, the Trustee has sought to depose each of the Voizzit Defendants. She served notices of depositions to take those examinations on November 18, 2024. The Voizzit Defendants did not appear. Both before and following the conclusion of the November 21 Hearing, the Trustee attempted to obtain their appearances at the noticed depositions, but their counsel indicated they would not appear. See emails attached hereto as a composite **Exhibit B**.

11. During a telephone conference between counsel about logistics for the December 2, 2024 hearing, counsel for the Voizzit Defendants stated that Mr. Vellapalath would not appear in person at the December 3, 2024 hearing. He also stated he invited Mr. Vellapalath to participate in the call but he did not participate.

ARGUMENT

12. The Court should strike the Pro Se Filings for at least four reasons.

13. ***First***, it is well established that the two corporate Voizzit Defendants cannot appear pro se. See *Rowland v. California Ministries Colony*, 506 U.S. 194 (1993). As this Court has done in similar circumstances where a corporate entity has attempted to represent itself, it should treat

³ Counsel for the Voizzit Defendants actually filed the late filings noting they were pro se and telling the Trustee he did so as a courtesy.

the Pro Se Filings as a nullity and refuse to consider them. *See, e.g., In re Mallinckrodt PLC*, Case No. 23-11258, D.I. 506 (10/6/23 Tr. at 9-11). An excerpt of the aforementioned transcript is attached hereto as **Exhibit C**.

14. ***Second***, the Pro Se Filings were made *after* the objection deadline. The Voizzit Defendants have offered no excuse for their tardy filings and there is no excuse available to them given that their counsel has told the Court that they were aware of the terms of the TRO. Unlike typical pro se filers, the Voizzit Defendants have had counsel to guide them. Indeed, parts of their filings appear to have been prepared by a lawyer with knowledge of U.S. case law. Under these circumstances, these filings should be held to the same standard as those of any represented party and because they were filed too late, they should be stricken and not considered. *See In re Fine Paper Antitrust Litigation*, 685 F.2d 810, 817 (3d Cir. 1982) (“matters of docket control and conduct of discovery are committed to the sound discretion of the district court”).

15. ***Third***, the Pro Se Filings are supported by Mr. Vellapalath’s Declaration which depends upon that filing being considered to advance the arguments that are made therein. Notwithstanding the fact-based arguments against the injunction advanced in the Pro Se Filings, counsel for the Voizzit Defendants has stated that Mr. Vellapalath will not appear in person at the December 3, 2024 hearing. And Mr. Vellapalath also declined to participate in the call held on the morning of December 2, 2024 regarding logistics for the hearing. This Court has previously rejected Mr. Vellapalath’s requests to testify remotely. [D.I. 323, 11/19/24 Tr. at 31-32.] It should do so again. Accordingly, because the Pro Se Filings cannot be supported with the evidence upon which they depend, they should be stricken.

16. ***Finally***, even if Mr. Vellapalath were to appear in person (and he has said he will not), he has refused to sit for a deposition. Both of the corporate defendants have refused to sit for

Rule 30(b)(6) depositions despite the Trustee's repeated attempts to obtain compliance with the deposition notices. Making matters worse, the Trustee also sought document discovery which was also was not answered. Accordingly, even if he or some other corporate representatives were to appear in person, the Court should still refuse to consider their testimony given the Voizzit Defendants refusal to sit for examinations. *See* Fed. R. Bankr. P. 7037; Fed. R. Civ. P. 7(b)(2)(A)(ii), (d) (authorizing court to bar testimony or other evidence from a person who refuses to appear at a deposition).

RULE 37(d) CERTIFICATION

17. The Trustee certifies that, through her counsel, she has in good faith conferred with counsel for the Voizzit Defendants to obtain their attendance at depositions, but they have declined to appear for their depositions, as the emails attached hereto as Group Exhibit B demonstrate.

CONCLUSION

WHEREFORE, the Trustee respectfully requests that the Court enter the attached Proposed Order, substantially in the form annexed hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as the Court may deem just and equitable.

Dated: December 2, 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

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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

**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)

Claudia Z. Springer, Chapter 11 Trustee,

Plaintiff,

VS.

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

(Jointly Administered)

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

Defendants.

Related Adv. D.I. Nos. 2, 3, 4, 14, 24 & 25

**ORDER GRANTING CHAPTER 11 TRUSTEE'S EMERGENCY MOTION
TO STRIKE TARDY PRO SE OPPOSITION TO PRELIMINARY INJUNCTION**

Upon consideration of the *Chapter 11 Trustee’s Emergency Motion to Strike Tardy Pro Se Opposition to Preliminary Injunction* (the “Motion”)² filed by Claudia Z. Springer, not individually but solely as the chapter 11 trustee (the “Chapter 11 Trustee”) of the estates (the “Estates”) of the above-captioned debtors (the “Debtors”), the plaintiff in the above-captioned adversary proceeding; and the Court having reviewed the Motion, and its supporting papers and the arguments of counsel; the Court finds and concludes as follows:

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 herein and not defined shall have the meaning given to them in the Motion.

- A. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b). This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(A), (E), and (O).
- B. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409(a).
- C. Notice of the Motion was sufficient under the circumstances.
- D. The legal and factual bases set forth in the Motion establish just cause for the relief granted herein.

It is therefore **ORDERED THAT** the Trustee's Motion is **GRANTED**. Both (i) *Voizzit Information Technology LLC, Voizzit Technology Private Limited and Rajendren Vellapalath's Brief in Opposition to Preliminary Injunction* [Adv. D.I. 24] and (ii) the *Declaration of Rajendren Vellapalath in Support of Voizzit Information Technology LLC, Voizzit Technology Private Limited and Rajendren Vellapalath's Brief in Opposition to Preliminary Injunction* [Adv. D.I. 25] are hereby stricken and shall not be considered by the Court in connection with the preliminary injunction hearing set for December 3, 2024 at 9 a.m. ET.

EXHIBIT B

From: [Mozal, Nicholas D.](#)
To: [Samis, Christopher M.](#); [Steege, Catherine L.](#)
Cc: [Root, Melissa M.](#); [Noa, Jesse L.](#); [Stulman, Aaron H.](#); [Dean, David](#); [Williams, William A.](#)
Subject: RE: Epic! Creations
Date: Friday, November 15, 2024 9:59:21 PM
Attachments: [image001.png](#)
[image608304.png](#)

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Cathy,

I understand you called Chris this evening, and I am writing in response on his behalf. We have a lot going on tonight, but on discovery we want to convey the following. First, we will not be serving our responses and objections this evening. We object to the impracticable deadline you set on those various requests, which is only exacerbated by the time difference with our clients. Be that as it may, we are working diligently on the responses and hope to finalize them as expeditiously as possible to send over this weekend. On the deposition(s), (1) we object to the time set on Monday morning as unreasonable and a witness will not be made available at the designated time, (2) we are considering whether to make a witness available for a deposition at another time next week, and although we are not sure, our expectation and hope would be that if depositions occur there will not be three depositions, and we will let you know as soon as we come to a final answer.

Separately, could you please confirm whether any depositions occurred today, and if so, provide us the transcript?

Thanks,

Nick

Nicholas D. Mozal | Partner
he / him / his



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From: Samis, Christopher M. <csamis@potteranderson.com>
Sent: Thursday, November 14, 2024 12:47 PM
To: Steege, Catherine L. <CSteege@jenner.com>
Cc: Root, Melissa M. <MRoot@Jenner.com>; Noa, Jesse L. <jnoa@potteranderson.com>; Mozal, Nicholas D. <nmozal@potteranderson.com>; Stulman, Aaron H. <astulman@potteranderson.com>; Dean, David <DDean@coleschotz.com>; Williams, William A. <WWilliams@jenner.com>
Subject: RE: Epic! Creations

Yes – here you go. I expect I will be giving you a call a little later today – we are finding out substantially more from the Client. Copying Bill who also requested these documents.

Thanks.

Christopher M. Samis | Partner



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csamis@potteranderson.com | potteranderson.com

From: Steege, Catherine L. <CSteege@jenner.com>
Sent: Thursday, November 14, 2024 11:22 AM
To: Samis, Christopher M. <csamis@potteranderson.com>
Cc: Root, Melissa M. <MRoot@Jenner.com>
Subject: [EXT] Epic! Creations

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Chris,

Any update on the documents referenced in Court?

Cathy

Catherine L. Steege

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Chicago, IL 60654-3456 | jenner.com
[+1 312 923 2952](tel:+13129232952) | Tel
[+1 312 206 7091](tel:+13122067091) | Mobile
CSteege@jenner.com
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From: [Mozal, Nicholas D.](#)
To: [Steege, Catherine L.](#)
Cc: [Root, Melissa M.](#); [Shankar, Ravi Subramanian](#); [Moshos, Andrew M.](#)
Subject: RE: In re Epic! Creations
Date: Monday, November 18, 2024 10:36:22 AM
Attachments: [image527773.png](#)

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Cathy,

Thanks for speaking.

On #1, I did not acknowledge you would be entitled a deposition. In answering your question about whether we would present a witness on Thursday, I asked if you were asking that question to have knowledge to request a deposition of that individual, which I stated was a fair request for notice. I said we would get back to you if we intended to present a witness on Thursday, and we will endeavor to finalize our answer on that and to inform you of when we finalize our decision.

On #2, I said that I could not commit to answering the requests or interrogatories but that we were working to obtain information to try to do so as best we could under the expedited and difficult circumstances under which we are operating.

On #3, Ravi stated that he had reason to believe the documents we provided were fabricated (which he did not provide any specifics on) and I understood his question to be whether we had been able to forensically confirm metadata from the documents. I explained that we had no reason to believe the documents were fabricated, though we had not been able to forensically collect communications or information from programs like Docusign to confirm the metadata of the documents or the circumstances surrounding them.

On #4, I agree you reserved your rights, and I'll reiterate that we are doing the best we can in responding to the impractical deadlines you've set.

Thanks,

Nick

Nicholas D. Mozal | Partner

he / him / his



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From: Steege, Catherine L. <CSteege@jenner.com>
Sent: Sunday, November 17, 2024 3:01 PM
To: Mozal, Nicholas D. <nmozal@potteranderson.com>
Cc: Root, Melissa M. <MRoot@Jenner.com>; Shankar, Ravi Subramanian <ravi.shankar@kirkland.com>
Subject: [EXT] In re Epic! Creations

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Nick,

Confirming our call today, you stated the following:

1. Your clients will not appear for the noticed depositions tomorrow. You will let us know tomorrow if you plan to bring a witness to the hearing. You acknowledged that we would be entitled to a deposition of any individual you call to testify.
2. Your clients do not plan to answer our document discovery or interrogatories.
3. Ravi asked whether Potter Anderson has verified the documents you had produced and you said it had not.
4. We advised you that we reserve all of our rights with respect to the failure to answer our discovery.

Please let me know if I have anything incorrect here.

Cathy

Catherine L. Steege

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From: Steege, Catherine L. <CSteege@jenner.com>
Sent: Monday, November 25, 2024 9:27 AM
To: Mozal, Nicholas D.; Samis, Christopher M.
Cc: Epic; Root, Melissa M.; Noa, Jesse L.
Subject: RE: Request for a call

Nick,

We did not hear from you since your early Saturday email and it is now Monday at 9:30 ET. The hearing on the pending matter is set for a week from tomorrow and Thursday and Friday are holidays. If we are going to be able to take the depositions of your clients, that needs to happen either tomorrow or Wednesday which is why it is very urgent that we speak and schedule the deps. In addition, you have had document requests and interrogatories outstanding now for close to three weeks and we would like to know when we can expect responses. I note that you asked for additional time to put on evidence, yet your clients do not seem willing to engage in the process. The Trustee's position is that if your clients will not engage in discovery, they should not be allowed to present any evidence next week. Accordingly, we would like to hear from you as soon as possible **today** and preferably this morning to discuss these matters.

In addition, Chris told the court that your clients were in the process of complying with the two outstanding stay violation orders. They have not complied to date. We want to discuss their failure to comply with you.

I look forward to hearing from you.

Cathy

From: Mozal, Nicholas D. <nmozal@potteranderson.com>
Sent: Saturday, November 23, 2024 6:57 AM
To: Steege, Catherine L. <CSteege@jenner.com>; Samis, Christopher M. <csamis@potteranderson.com>
Cc: Epic <epic@pashmanstein.com>; Root, Melissa M. <MRoot@Jenner.com>; Noa, Jesse L. <jnoa@potteranderson.com>
Subject: RE: Request for a call

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Catherine,

We will revert with a time we can speak, although I cannot guarantee it will be tomorrow.

Thanks,

Nick



Nicholas D. Mozal | Partner
he / him / his

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From: Steege, Catherine L. <CSteege@jenner.com>
Sent: Friday, November 22, 2024 9:01 PM
To: Mozal, Nicholas D. <nmozal@potteranderson.com>; Samis, Christopher M. <csamis@potteranderson.com>
Cc: Epic <epic@pashmanstein.com>; Root, Melissa M. <MRoot@Jenner.com>; Noa, Jesse L. <jnoa@potteranderson.com>
Subject: [EXT] Re: Request for a call

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Nick, Frankly this response is not acceptable. You have represented to the Court that your client did not know of the bankruptcy, would abide by the stay, and would comply with the Court's orders and discovery. Your client has done none of things it promised. We need answers to our discovery and a meet and confer. Waiting an entire day until after hours to respond to us is both unprofessional and contrary to what you told the Court you would do. Please advise as to a time on Sunday we can speak so more time is not wasted here.

In addition, please advise as to the amount of the retainer you received and the entity that provided it. We reserve all rights to claim the retainer.

Cathy

From: Mozal, Nicholas D. <nmozal@potteranderson.com>
Sent: Friday, November 22, 2024 7:34:11 PM
To: Steege, Catherine L. <CSteege@jenner.com>; Samis, Christopher M. <csamis@potteranderson.com>
Cc: Epic <epic@pashmanstein.com>; Root, Melissa M. <MRoot@Jenner.com>; Noa, Jesse L. <jnoa@potteranderson.com>
Subject: RE: Request for a call

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Cathy,

Thank you, we are conferring with our client in light of yesterday's hearing. We will let you know when we are in a position to provide a substantive update and schedule a call.

Thanks,

Nick



Nicholas D. Mozal | Partner
he / him / his

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From: Steege, Catherine L. <CSteege@jenner.com>

Sent: Friday, November 22, 2024 9:52 AM

To: Samis, Christopher M. <csamis@potteranderson.com>; Mozal, Nicholas D. <nmozal@potteranderson.com>

Cc: Epic <epic@pashmanstein.com>; Root, Melissa M. <MRoot@Jenner.com>

Subject: [EXT] Request for a call

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Chris and Nick,

We would like to schedule a call today with you to discuss our outstanding discovery. Would noon ET work? If not please suggest a time that would work for you today. Thank you.

Cathy

Catherine L. Steege

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From: [Samis, Christopher M.](#)
To: [Steege, Catherine L.](#); [Mozal, Nicholas D.](#)
Cc: [Shankar, Ravi Subramanian](#); [Howell, Richard U. S.](#); [Claudia Z. Springer \(cspringer@novo-advisors.com\)](#); [Root, Melissa M.](#); [Epic](#); [sarah.kimmer@kirkland.com](#); [O'Neill, Katie](#)
Subject: RE: In re Epic! Creations
Date: Tuesday, November 26, 2024 4:04:50 PM
Attachments: [image403035.png](#)
[TT Confirmation-Potter Anderson & Corroon LLP ..pdf](#)

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Cathy,

Our responses as of now below. We have reached out to the client again this morning.

Thanks.

Christopher M. Samis | Partner



Potter Anderson & Corroon LLP | 1313 N. Market Street, 6th Floor | Wilmington, DE 19801-6108
Office +1 302.984.6050
csamis@potteranderson.com | potteranderson.com

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From: Steege, Catherine L. <CSteege@jenner.com>

Sent: Monday, November 25, 2024 9:13 PM

To: Samis, Christopher M. <csamis@potteranderson.com>; Mozal, Nicholas D. <nmozal@potteranderson.com>

Cc: Shankar, Ravi Subramanian <ravi.shankar@kirkland.com>; Howell, Richard U. S. <rhowell@kirkland.com>; Claudia Z. Springer (cspringer@novo-advisors.com) <cspringer@novo-advisors.com>; Root, Melissa M. <MRoot@Jenner.com>; Epic <epic@pashmanstein.com>; sarah.kimmer@kirkland.com; O'Neill, Katie <katie.oneill@kirkland.com>

Subject: [EXT] In re Epic! Creations

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Chris and Nick,

Confirming our conversation this afternoon, we discussed the following:

1. Both the Trustee and GLAS Trust asked whether your clients would appear at depositions either tomorrow or Wednesday and respond substantively to the outstanding document requests and interrogatories this week before the holidays. You stated that you did not have an answer but would inform us as soon as you had an answer. You further stated you were talking with your clients this evening. Our position is that if your clients do not sit for depositions and answer the discovery by Wednesday, we will object to your clients presenting any evidence at the December 3 hearing. As of this email, you have not further responded further to our questions about discovery.

[This is correct. We reached out to our client and are also awaiting a response, but we acknowledge it appears impossible at this point to do a deposition by Wednesday.]

2. We asked whether your clients intended to appear in person on December 3 and you stated that you did not know but did not think they would and that you would let us know when you knew.

[We have also inquired here and are awaiting a response.]

3. We asked you to produce today the documents you referenced during last Thursday's hearing (see Tr. pg. 19) that you stated you had received on Thursday (and any other documents your clients have provided to your firm). You said you would do so but as of this email we have not received anything from you.

[This isn't exactly correct – I said we would review what we received and would turn over after conversing with the client. We have made the request to turn the documents over.]

4. We asked whether you planned to agree to a preliminary injunction in the Google adversary and you said you did not know.

[This is correct – awaiting a client response.]

5. We asked why your client had not complied with the TRO entered in the Google TRO. You acknowledged that your clients had not complied. You stated that your clients did not have the money to return to the Trustee. You also said that you thought compliance was unnecessary because Google could take care of transferring over the accounts. We explained that Google said otherwise.

[This is partially correct – we didn't say compliance was unnecessary, we said compliance was

impossible according to the client because they have been stripped of access.]

6. You also attempted to explain away the Cloudflare violation by claiming that it was the Trustee who had entered the account causing the problem and called this inadvertent “spoofing”. When we asked you when this supposedly happened, you said that your clients were aware that on it happened on November 21. But, as I told the Court last Thursday, when Cloudflare moved the domain back to the Trustee from Voizzit’s account, it did so by using a Voizzit email access.

[This may be true, but they are explaining by comparison – their point is that actions that were being taken on the platforms by the Trustee (almost certainly unintentionally) that resulted in the appearance of Voizzit e-mail addresses previously, resulting in the concern about continuing violations.]

7. Finally, you suggested that a tech person from Voizzit meet with a tech person for the Trustee. Both the Trustee and GLAS Trust expressed concern over this suggestion and took the position that your clients should have complied with the TRO entered in the Google adversary proceeding.

[This is correct. We also made this request of the client. I think it could streamline issues if folks are amenable.]

If the foregoing does not accurately summarize our discussion, please let me know. We look forward to hearing from you about the open issues as soon as possible.

[As soon as we hear something, we’ll let you know. You also asked for our retainer information, that is attached. Thanks.]

Cathy

Catherine L. Steege

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From: Samis, Christopher M.
To: Steege, Catherine L.; Mozal, Nicholas D.; Root, Melissa M.; Epic; Williams, William A.; Shankar, Ravi Subramanian
Subject: Re: Tuesday's Hearing
Date: Sunday, December 1, 2024 12:43:28 PM
Attachments: [image067705.png](#)
[image364221.png](#)

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Cathy,

We understand the position. Very good.

Thanks.

Christopher M. Samis | Partner



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From: Steege, Catherine L. <CSteege@jenner.com>
Sent: Sunday, December 1, 2024 12:40:48 PM
To: Samis, Christopher M. <csamis@potteranderson.com>; Mozal, Nicholas D. <nmozal@potteranderson.com>; Root, Melissa M. <MRoot@Jenner.com>; Epic <epic@pashmanstein.com>; Williams, William A. <WWilliams@jenner.com>; Shankar, Ravi Subramanian <ravi.shankar@kirkland.com>
Subject: [EXT] Re: Tuesday's Hearing

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Chris, He has missed the deadline to object and cannot respond for the corporate entities in any event. Let's set a call for 9 ET tomorrow. I will circulate a dial in in a bit. Cathy

From: Samis, Christopher M. <csamis@potteranderson.com>
Sent: Sunday, December 1, 2024 11:20:32 AM
To: Steege, Catherine L. <CSteege@jenner.com>; Mozal, Nicholas D. <nmozal@potteranderson.com>; Root, Melissa M. <MRoot@Jenner.com>; Epic <epic@pashmanstein.com>; Williams, William A.

<WWilliams@jenner.com>; Shankar, Ravi Subramanian <ravi.shankar@kirkland.com>

Subject: Re: Tuesday's Hearing

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Cathy,

Thanks for reaching back out and likewise, we hope everyone had a nice Thanksgiving. Our current understanding from Mr. Vellalapath is that he will be independently submitting a response to the PI motion along with a supporting declaration and requesting to appear by Zoom. We have not heard back from him on any of the other pending items.

We're not opposed to a call, but it might be more fruitful tomorrow morning once things come to rest. I have a 10 currently but am otherwise available. We may have more information by then.

Thanks.

Christopher M. Samis | Partner



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From: Steege, Catherine L. <CSteege@jenner.com>

Sent: Sunday, December 1, 2024 12:14 PM

To: Samis, Christopher M. <csamis@potteranderson.com>; Mozal, Nicholas D. <nmozal@potteranderson.com>; Root, Melissa M. <MRoot@Jenner.com>; Epic <epic@pashmanstein.com>; Williams, William A. <WWilliams@jenner.com>; Shankar, Ravi Subramanian <ravi.shankar@kirkland.com>

Subject: [EXT] Re: Tuesday's Hearing

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Chris and Nick,

Will you please respond. Thanks

Cathy

From: Steege, Catherine L. <CSteege@jenner.com>
Sent: Sunday, December 1, 2024 9:47:45 AM
To: Samis, Christopher M. <csamis@potteranderson.com>; Mozal, Nicholas D. <nmozal@potteranderson.com>; Root, Melissa M. <MRoot@Jenner.com>; Epic <epic@pashmanstein.com>; Williams, William A. <WWilliams@jenner.com>; Shankar, Ravi Subramanian <ravi.shankar@kirkland.com>
Subject: Tuesday's Hearing

Chris and Nick,
I hope you had a nice Thanksgiving. Having heard nothing from you since before the holidays, we assume your clients do not intend to appear or present any evidence on Tuesday. Can we please get on a call this afternoon to discuss so we can all plan accordingly for Tuesday. Our thinking is that if no live witnesses are going to be resented, we want to ask the Court to hear closing argument over zoom. Can you please let me know a time that works for your team. In addition, we plan to submit a CNO on the preliminary injunction given that no objection was filed by last week's deadline. Thank you. Cathy

Catherine L. Steege

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From: [Steege, Catherine L.](#)
To: [Samis, Christopher M.](#); [Mozal, Nicholas D.](#)
Cc: [Shankar, Ravi Subramanian](#); [Root, Melissa M.](#); [Epic](#); [Claudia Z. Springer \(cspringer@novo-advisors.com\)](#); [Nate Vandecasteele \(nvandecasteele@novo-advisors.com\)](#); [Howell, Richard U. S.](#)
Subject: In re Epic
Date: Monday, December 2, 2024 9:35:10 AM

Chris and Nick,

The following confirms our conversation of this morning:

1. You stated that neither Mr. Vellapalath nor anyone else from Voizzit will appear live in person in Delaware at tomorrow's hearing.
2. We inquired about the documents you told us last week you had received from your clients that we asked that you produce last week. You said you thought they may be the documents attached to the filing you made yesterday but would verify and report back. We would appreciate that you do this ASAP.
3. The Trustee has not received the documents you stated you filed under seal and you said you would send those documents immediately after the call.
4. We discussed yesterday's filing. Both the Trustee and Glas requested that you withdraw the filing. You stated you filed it as a courtesy In response to Ravi's question about whether you had verified the information contained in that filing, you stated that you took no steps to authenticate the documents and pointed to the statements in your withdrawal motion about why you were withdrawing from the case.

Cathy

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EXHIBIT C

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

IN RE: . Chapter 11
MALLINCKRODT PLC, et al., . Case No. 23-11258 (JTD)
Debtors. . (Jointly Administered)
Courtroom No. 5
824 Market Street
Wilmington, Delaware 19801
Wednesday, October 4, 2023
1:00 p.m.

TRANSCRIPT OF HEARING
BEFORE THE HONORABLE JOHN T. DORSEY
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES:

For the Debtors:

Anupama Yerramalli, Esquire
Christopher R. Harris, Esquire
Hugh K. Murtagh, Esquire
LATHAM & WATKINS, LLP
1271 Avenue of the Americas
New York, New York 10020

Elizabeth Marks, Esquire
200 Clarendon Street
Boston, Massachusetts 02116

(APPEARANCES CONTINUED)

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Telephone: (302) 654-8080
Email: gmatthews@reliable-co.com

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1 that worked for the Court.

2 And then one last just housekeeping matter. We
3 understand there's going to be a FEMA emergency alert at
4 2:20, so we were going to suggest, if acceptable to the
5 Court, that we take a break around 2:15, so that there wasn't
6 disruption --

7 THE COURT: Yes.

8 MS. YERRAMALLI: -- to the hearing.

9 THE COURT: That was supposed to be one of my
10 other announcements before we started.

11 (Laughter)

12 THE COURT: I forgot. Thank you. We will take a
13 recess at 2:15.

14 MS. YERRAMALLI: If there are no other
15 housekeeping matters, I'll cede the podium to get the
16 proceedings started.

17 THE COURT: Okay. In order to shortcut things at
18 least somewhat, I will address the one objection that was
19 filed by Burlingame Investment Partners, LP. That was filed
20 pro se, it was not filed by counsel.

21 The Courts in this country have long held,
22 including the U.S. Supreme Court in Rowland v. California
23 Ministries Colony, 506 U.S. 194 (1993), that an entity cannot
24 appear without counsel; therefore, Burlingame's objection is
25 overruled because they do not have appropriate standing to

1 appear and press that objection today. So that will save
2 some time on -- if it saves time on presentation of evidence
3 and certainly on the arguments at the end, that objection is
4 already overruled.

5 MR. KIM: Your Honor, may I have a say on -- a
6 little bit on this?

7 THE COURT: No, you cannot. You cannot. You are
8 not an attorney; you cannot appear on behalf of the company.

9 MR. KIM: I did put my name there, too, Your
10 Honor, as a pro se, meaning on the objections.

11 THE COURT: Do you have a claim individually,
12 Mr. Kim?

13 MR. KIM: Yes, I do, Your Honor.

14 THE COURT: What's your claim?

15 MR. KIM: Twelve thousand dollars.

16 THE COURT: For what?

17 MR. KIM: On the second lien notes.

18 THE COURT: You are a --

19 MR. KIM: I --

20 THE COURT: -- a second lien noteholder.

21 MR. KIM: Correct.

22 THE COURT: Do you have --

23 MR. KIM: And I am not --

24 THE COURT: -- evidence of that?

25 MR. KIM: Yes, I do, Your Honor.

1 THE COURT: Okay.

2 MR. KIM: So it's on the -- on the title page,
3 on -- so I am included there, Your Honor.

4 THE COURT: All right. Well, your objection was
5 filed on behalf of the company, not on behalf of yourself
6 individually; and, therefore, it's overruled. You did not
7 file an objection in your personal capacity; therefore, you
8 cannot be heard. Your objection is overruled and I'm not
9 going to hear you any further.

10 MR. KIM: May I have a continuance, Your Honor?

11 THE COURT: No, you may not.

12 MR. KIM: Okay.

13 THE COURT: All right. Let's go.

14 MS. YERRAMALLI: Thank you, Your Honor.

15 MR. HARRIS: Good afternoon, Your Honor. Sorry.
16 Chris Harris of Latham & Watkins for the debtors.

17 Just to give an overview of the evidence for the
18 hearing, we have tried to make this as efficient as possible
19 for Your Honor. And with the consent of the objectors, as I
20 said, we're foregoing openings.

21 The parties have agreed that all direct testimony
22 is through declarations and those were submitted yesterday.
23 And one supplemental declaration from an objector -- I'm
24 sorry -- they were submitted Monday. One supplemental
25 declaration from an objector was made yesterday. But there