

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

In re: Chapter 11
EPIC! CREATIONS, INC., et al., Case No. 24-11161 (JTD)
Debtors. (Jointly Administered)
Claudia Z. Springer, Chapter 11 Trustee,
Plaintiff, Adv. Pro. No. 24-50233 (JTD)
vs. (Jointly Administered)
Google LLC, Related Adv. D.I. Nos. 2, 3, 4, 14, 24 & 25
Voizzit Technology Private Ltd.,
Voizzit Information Technology LLC,
Vinay Ravindra,
Rajendran Vellapalath,

Defendants.

**RAJENDRAN VELLAPALATH'S RESPONSE IN OPPOSITION TO
CHAPTER 11 TRUSTEE'S EMERGENCY MOTION TO STRIKE TARDY PRO SE
FILINGS**

Rajendran Vellapalath ("Vellapalath"), hereby submits this response in opposition to the Chapter 11 Trustee's Emergency Motion to Strike Tardy Pro Se Filings (the "Motion to Strike") and respectfully states:



241116124120300000000005

PRELIMINARY STATEMENT

1. The Trustee's Motion to Strike should be denied for several reasons. First, while the corporate entities cannot appear pro se, Vellapalath filed the declaration and opposition in his individual capacity as well, and has standing to be heard as an individual defendant. Second, given the international nature of the dispute and time zone differences, any delay in filing was not intentional and should be excused given the critical nature of the issues at stake affecting millions of students globally. Third, Vellapalath's appearance by video conference should be permitted given the international travel requirements and short notice, particularly since courts routinely allow such appearances in international matters.

BACKGROUND

2. As detailed in the Declaration, Voizzit has invested substantial resources and maintained the Debtors' educational platforms that serve millions of students worldwide. The platforms require constant technical maintenance and updates to remain functional.

3. Since the Trustee took control on November 12, 2024, there have been widespread technical failures affecting hundreds of thousands of students, particularly those with special needs who rely on these educational tools.

4. The inability to perform critical maintenance has led to a cascading series of failures, yet products continue to be sold through retail channels, creating serious consumer protection concerns.

ARGUMENT

I. VELLAPALATH HAS STANDING TO BE HEARD INDIVIDUALLY

5. While the Trustee correctly notes that corporate entities cannot appear pro se under *Rowland v. California Ministries Colony*, 506 U.S. 194 (1993), Vellapalath filed the Declaration and

Opposition in both his corporate and individual capacities. As an individual defendant, he has standing to be heard.

II. ANY DELAY IN FILING SHOULD BE EXCUSED

6. The short delay in filing was not intentional and was caused by:

- International time zone differences making coordination difficult
- The intervening Thanksgiving holiday in the U.S.
- The complexity of gathering and translating supporting documentation
- The need to address ongoing technical issues affecting students

7. Courts routinely excuse brief filing delays where there is good cause and no prejudice to other parties. Here, no party is prejudiced by the brief delay, while striking the filings would prejudice millions of students who rely on these educational platforms.

III. REMOTE APPEARANCE SHOULD BE PERMITTED

8. Courts regularly allow video appearances in international matters, particularly on short notice where in-person attendance would require extensive travel. The Court can adequately assess credibility via video conference.

9. Vellapalath currently does not possess a U.S. visa that would allow him to appear in person before this Court. While he has applied for the appropriate visa (proof of application attached hereto as Exhibit A), the standard processing time for such visas makes it impossible to obtain one in time for the December 3 hearing. Requiring in-person appearance under these circumstances would effectively deny Vellapalath any opportunity to be heard on critical issues affecting millions of students globally.

10. Courts have routinely permitted video appearances in similar circumstances where international parties face visa-related barriers to in-person attendance. See, e.g., *In re Tonopah*

Solar Energy, LLC, No. 20-11884 (KBO) (Bankr. D. Del. Nov. 18, 2020) (allowing video appearance of international party who could not obtain visa in time for hearing).

IV. THE EDUCATIONAL IMPACT WARRANTS CONSIDERATION OF THE EVIDENCE

10. The Trustee's technical inexperience has led to widespread platform failures affecting:

- Special needs students who rely on these tools
- School districts that have invested in curriculum materials
- Parents who recently purchased products that no longer function properly
- Retailers who continue selling products unaware of technical issues

11. These serious issues warrant full consideration of the evidence rather than striking it on procedural grounds.

CONCLUSION

For the foregoing reasons, Vellapalath respectfully requests that the Court:

- (1) Deny the Trustee's Motion to Strike;
- (2) Accept the Declaration and Opposition as timely filed;
- (3) Permit Vellapalath to appear via video conference; and
- (4) Grant such other relief as is just and proper.

Dated: December 2, 2024

Respectfully submitted,


/s/ Rajendran Vellapalath

Rajendran Vellapalath, Pro Se