

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: EPIC! CREATIONS, INC., <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No. 24-11161 (JTD) (Jointly Administered)
Claudia Z. Springer, Chapter 11 Trustee, Plaintiff, vs. Google, LLC, Voizzit Technology Private Ltd., Voizzit Information Technology LLC, Vinay Ravindra, Rajendran Vellapalath, Defendants.	Adv. Pro. No. 24-50233 (JTD) (Jointly Administered) Re: Adv. D.I. 1, 44

**CERTIFICATION OF COUNSEL SUBMITTING AGREED
ORDER RESOLVING DEFENDANT GOOGLE LLC'S MOTION TO DISMISS**

The undersigned counsel to Claudia Z. Springer, not individually but as the Chapter 11 Trustee (the "Trustee") of Epic! Creations, Inc., Neuron Fuel, Inc., and Tangible Play, Inc. (the "Debtors" and, each, a "Debtor"), hereby certifies that:

1. On November 14, 2024, the Plaintiff filed the *Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief, Turnover of Estate Property and*

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).



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Records, and to Enforce the Automatic Stay (the “Complaint”), naming Google as a defendant. *See* Adv. Pro. D.I. 1.

2. On November 25, 2024, the Plaintiff served a Summons, along with a copy of the Complaint, on Google. *See* Adv. Pro. D.I. 37.

3. On December 23, 2024, Google filed its *Motion to Dismiss the Complaint* (the “Motion to Dismiss”). *See* Adv. Pro. D.I. 44.

4. In an effort to reach a consensual resolution of the Motion to Dismiss, Google agreed to extend the Motion to Dismiss response deadline and on January 6, 2025, Plaintiff filed the *Stipulation Extending Trustee's Time to Object or Otherwise Respond to Defendant Google LLC's Motion to Dismiss the Complaint* whereby the Plaintiff’s time to file an objection or otherwise respond to the Motion to Dismiss was extended through and including January 10, 2025. *See* Adv. Pro. D.I. 45.

5. Because Plaintiff’s counsel and Google’s counsel were still in discussions concerning a consensual resolution, Google agreed to further extend the Motion to Dismiss response deadline to January 10, 2025, and again to January 15, 2025. *See* Adv. Pro. D.I. 47 & 49.

6. As a result of fruitful discussions, the Trustee and Google have negotiated the *Agreed Order Granting Defendant’s Motion to Dismiss* (the “Proposed Agreed Order”) attached hereto as **Exhibit A**, which dismisses the Complaint only against Defendant Google, without prejudice, subject to certain conditions and without prejudice to the Trustee’s remaining claims against the remaining Defendants.

WHEREFORE, the undersigned respectfully requests entry of an order consistent with the Proposed Agreed Order attached hereto as **Exhibit A**, at the Court’s earliest convenience.

Dated: January 17, 2025
Wilmington, Delaware

**PASHMAN STEIN WALDER
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EXHIBIT A

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

<p>In re:</p> <p>EPIC! CREATIONS, INC., <i>et al.</i>,¹</p> <p style="text-align: center;">Debtors.</p>	<p>Chapter 11</p> <p>Case No. 24-11161 (JTD)</p> <p>(Jointly Administered)</p>
<p>Claudia Z. Springer, Chapter 11 Trustee,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>Google, LLC, Voizzit Technology Private Ltd., Voizzit Information Technology LLC, Vinay Ravindra, Rajendran Vellapalath,</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 24-50233 (JTD)</p> <p>(Jointly Administered)</p> <p>Re: Adv. D.I. 1, 44</p>

AGREED ORDER GRANTING DEFENDANT GOOGLE LLC’S MOTION TO DISMISS

Upon the motion (the “Motion”) of Google LLC (“Google”), Defendant in the above-captioned adversary proceeding, for entry of an Order dismissing the claims asserted against Google by Claudia Z. Springer, not individually but as the Chapter 11 Trustee (the “Trustee”) of the estates of Epic! Creations, Inc., Neuron Fuel, Inc., and Tangible Play, Inc. (collectively, the “Debtors”) in its *Complaint for Temporary Restraining Order, Preliminary and Permanent Injunctive Relief, Turnover of Estate Property and Records, and to Enforce the Automatic Stay* (the “Complaint”); and the Court having jurisdiction over this matter pursuant to 28 U.S.C.

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).

§ 1334(b) and the Amended Standing Order of Reference from the United States District Court for the District of Delaware dated February 29, 2012; and the Court being advised that the Trustee, without admitting the validity of the positions taken by Google in its Motion, has agreed with Google to the entry of this Order on the terms set forth herein, without prejudice to the Trustee's remaining claims against the remaining Defendants; and after due deliberation and sufficient cause appearing therefor, the Court FINDS and ORDERS as follows:

1. As of the date of the entry of this Order, Google has to the best of the Trustee's knowledge complied with the Court's *Order Granting Chapter 11 Trustee's Motion For A Preliminary Injunction* [Adv. D.I. 36] (the "Preliminary Injunction Order"), including Paragraph 2 thereof by providing the Trustee with complete control of the following accounts and projects including all associated email extensions, domain names, projects, meta data, records, applications related to those accounts and projects (the "Google Accounts"):

Google Workspace accounts for the following Domain Names:

@getepic.com
@tangibleplay.com
@playosmo.com
@tynker.com

Google Cloud accounts with the following project info:

Project ID: epic-jenkins
Project Number: 1011349847158

Google Play Store accounts for the entities below based on the tax ID information provided by the Trustee:

Epic! Creations, Inc.
Tangible Play Inc
Neuron Fuel, Inc.

2. To the extent applicable to Google, the First Claim for Relief, Second Claim for Relief, and the Third Claim for Relief, as asserted in the Complaint against Google are DISMISSED WITHOUT PREJUDICE *provided, however*, that with respect to the Third Claim

for Relief which seeks among other relief actual and punitive damages against each of the Defendants, the Trustee agrees that she will not seek to recover any actual or punitive damages against Google with respect to any of the allegations in the Complaint made against Google. The Trustee reserves her right to seek and all available relief against all of the other Defendants.

3. The Fourth Claim for Relief and the Fifth Claim for Relief as asserted in the Complaint do not allege any claims against Google.

4. As of the date of the entry of this Order, Google shall no longer be bound and enjoined by the Preliminary Injunction Order; rather:

- a. on and after the entry of this Order and until the earlier of (i) the assignment of the contracts related to the Google Accounts and any Other Accounts (as hereinafter defined) (collectively, the “Google Contracts”), (ii) rejection of the Google Contracts, (iii) conversion of a Debtor’s case to a case under chapter 7 of the Bankruptcy Code, or (iv) further Order of this Court, Google and all persons acting in concert with Google are enjoined from (v) accepting, authorizing, or implementing any changes to the Google Accounts initiated or requested by any entity or person other than the Trustee or the Trustee’s authorized representatives; or (vi) allowing the transfer of any Google Accounts initiated or requested or performed by any entity or person other than the Trustee or the Trustee’s authorized representative;
- b. to the extent the Trustee provides Google with additional information that enables Google to identify additional accounts, projects, or other credentials or services, including all associated email extensions, domain names, projects, meta data, records, applications related to those accounts and projects that are

property of the estate (the “Other Account”), Google shall, within two (2) business days of identifying such Other Account, advise the Trustee whether Google can reasonably confirm that such Other Account is property of the Debtors’ bankruptcy estates;

- c. if Google is unable to determine that an Other Account is property of the Debtors’ bankruptcy estates, Google and the Trustee may request an immediate determination from the Court as to the interests held by the Debtors’ bankruptcy estates in such Other Account; and
- d. if Google determines that an Other Account is property of the Debtors’ bankruptcy estates, Google shall take all reasonable measures to provide the Trustee with complete control of the Other Account.

5. The Court finds it necessary and appropriate for Google to take the above actions and that, by doing so, Google shall not be held liable for any violations of the Stored Communications Act, 18 U.S.C. Chapter 121 §§2701-2713, or any other law, rule or regulation as a result of its efforts to comply with this Order.

6. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation or enforcement of this Order.