

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

VIOLIN MEMORY, INC.,¹

Reorganized Debtor.

Chapter 11

Case No. 16-12782 (LSS)

Re: D.I. 605

**ORDER ISSUING A FINAL DECREE CLOSING THE CHAPTER 11 CASE
AND TERMINATING CERTAIN CLAIMS AND NOTICING SERVICES**

This matter coming before the Court on the *Motion of the Distribution Trustees for Entry of a Final Decree and Order Closing the Debtor's Chapter 11 Case and Terminating the Services of Prime Clerk LLC as Claims and Noticing Agent in the Debtor's Chapter 11 Case* (the "Motion"),² filed by the Distribution Trustees (the "Distribution Trustees") of the Violin Memory Distribution Trust; and the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated as of February 29, 2012, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), (iv) the Court has authority to enter a final order on the Motion consistent with Article III of the United States Constitution, and (v) notice of the Motion and the Hearing was sufficient under the circumstances; after due deliberation the Court having determined that the relief requested in the Motion and provided for herein is in the

¹ The Reorganized Debtor's tax identification number is 20-3940944 and its business address is 4555 Great America Parkway, Suite #501, Santa Clara, CA 95054.

² Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

best interest of the Debtor, its estate and its creditors and is an appropriate exercise of the Debtor's business judgment; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The above-captioned chapter 11 case is hereby closed and a final decree is granted effective as of the date hereof; provided, however, that this Court shall retain jurisdiction as provided for in the Plan.
3. The Distribution Trustees have paid all court fees and all fees required under 28 U.S.C. § 1930(a)(6) owing in the above-captioned chapter 11 case.
4. Prime Clerk is hereby terminated and released as claims and noticing agent in accordance with the Motion upon the completion of the services listed in paragraph 5 below. Thereafter, Prime Clerk shall have no further obligations to this Court, the Debtor, the Distribution Trustees, or any party in interest with respect to Prime Clerk's engagement as the claims and noticing agent in this chapter 11 case.
5. Pursuant to Local Rule 2002-1(f)(ix), within 30 days of the date hereof, Prime Clerk shall (a) forward to the Clerk an electronic version of all imaged Claims, (b) upload the creditor mailing list into CM/ECF, and (c) docket a Final Claims Register. Prime Clerk shall further box and transport all original Claims to the Philadelphia Federal Records Center, 14700 Townsend Road, Philadelphia, Pennsylvania 19154 and docket a completed SF-135 Form indicating the accession and location numbers of the archived Claims. Should Prime Clerk receive any mail regarding the Debtor after entry of this Order, Prime Clerk shall collect and forward such mail no less frequently than monthly to the Debtor at the following address (or such other address as may be subsequently

provided by the Debtor to Prime Clerk): 2560 N. First Street, Suite 300, San Jose, CA 95131.

6. The Debtor is authorized and directed to reimburse Prime Clerk for the reasonable expenses incurred in collecting and forwarding mail in connection with its obligations under this paragraph.

7. Entry of this Order is without prejudice to (a) the rights of the Debtor, the Distribution Trustees, or any party in interest (including, without limitation, the U.S. Trustee, in the event of an unresolved dispute related to fees under 28 U.S.C. § 1930) to seek to reopen this chapter 11 case for cause pursuant to section 350(b) of the Bankruptcy Code and (b) the rights of the Debtor and the Distribution Trustees to dispute, in an appropriate non-bankruptcy forum, all claims that were filed against the Debtor in this chapter 11 case as contemplated by the Plan and the Confirmation Order.

8. The Debtor, the Distribution Trustees, Prime Clerk and the Clerk of Court are authorized and empowered, and may in their discretion and without further delay, take any action and perform any act necessary to implement and effectuate the terms of this Order.

9. Upon completion of the items referred to in paragraph 3 above, the Debtor and the Distribution Trustees, their predecessors, successors, affiliates, officers, directors, agents, attorneys, advisors and other representatives shall (a) have complied with all of their obligations regarding the Plan, (b) be fully and finally released and discharged of and from any duties, obligations, accountings or other matters of any nature with respect to the Plan, and (c) have no further responsibilities or obligations in connection with the Plan.

10. This Order shall be effective immediately upon its entry.
11. The Court shall retain jurisdiction over any and all matters arising from or related to the interpretation or implementation of this Order.

Dated: Jan. 16, 2018
Wilmington, Delaware



THE HONORABLE LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE