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November 24, 2026

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Shawn R. Murnan #59664-511
FPC Montgomery
1001 Willow Street
Montgomery, AL 36612

Re: *Edo Cohen, et al. v. Shawn Murnan, et al.*,
C.A. No. 2024-0952-KSJM

Dear Counsel and Mr. Murnan:

The plaintiffs have moved for reconsideration of my September 30, 2026 letter granting Mr. Murnan's request to reschedule the hearing on the plaintiffs' motion for partial default judgment.[1] The plaintiffs' motion is granted in part and denied in part.

On Tuesday, September 29, 2026, the plaintiffs filed correspondence received from Mr. Murnan regarding the telephonic hearing on the plaintiffs' default motion set for Monday, October 5, 2026.[2] Mr. Murnan wrote that he was not aware of this action and did not receive any correspondence from the plaintiffs before August 7, 2026, when the plaintiffs sent Mr. Murnan the scheduling order notifying him of the October 5 hearing. Mr. Murnan asked that I postpone the hearing until after he is released from custody.

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[1] C.A. No. 2024-0952-KSJM, Dockets ("Dkts.") 36 (the "Letter Decision"), 38 ("Pls.' Mot.").

[2] Dkt. 35.

In the Letter Decision, I found that the prejudice to Mr. Murnan of pressing forward with the hearing on October 5 while he was incarcerated outweighed any prejudice to the plaintiffs of extending that date. At the time, based on the Federal Bureau of Prisons's online inmate locator, it appeared that Mr. Murnan was set to be released on or around April 28, 2027.[3] Accordingly, I granted Mr. Murnan's request and instructed the plaintiffs to secure a new hearing date no earlier than May 2027.

On October 5, the plaintiffs moved for reconsideration of the Letter Decision. Mr. Murnan submitted an opposition to the motion, which the court received on October 21.[4]

To succeed on a motion for reconsideration, "the moving party must demonstrate either that the court overlooked a decision or principle of law that would have controlling effect or that the court misapprehended the facts or the law such that the outcome of the decision would be different."[5] Reconsideration motions "may not be used to re-litigate matters already fully litigated or to present arguments or

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[3] Letter Decision at 2 (citing Fed. Bureau of Prisons Inmate Locator, https://www.bop.gov/inmateloc/ (Sep. 30, 2026)).

[4] Dkt. 41.

[5] *Leo Invs. H. K. Ltd. v. Tomales Bay Cap. Anduril III, L.P.*, 2026 WL 782100, at *1 (Del. Ch. Mar. 18, 2026) (quoting *Zutrau v. Jansing*, 2014 WL 6901461, at *2 (Del. Ch. Dec. 8, 2014), *aff'd*, 123 A.3d 938 (Del. 2015) (TABLE)), *aff'd*, 364 A.3d 1190 (Del. 2026) (TABLE).

evidence that could have been presented before the court entered the order from which [reconsideration] is sought."[6]

In the motion, the plaintiffs supplied more information that they will be prejudiced by delaying adjudication of whether Mr. Murnan was properly removed as managing member of Rival Games LLC. The plaintiffs say they have reached a settlement in related litigation pending in Philadelphia's Court of Common Pleas, but the court will not approve that settlement while Mr. Murnan's status as manager is unclear. According to the plaintiffs, they did not raise this prejudice in their motion for default or when they lodged Mr. Murnan's September 29 letter because the Philadelphia court had not yet denied approval of their settlement.

Setting aside whether the plaintiffs should have raised the issue of the Philadelphia litigation sooner, it does not materially change my view of the balance of prejudices. As I noted in the Letter Decision, the plaintiffs' motion has been pending since September 2025, with little effort by the plaintiffs to bring it to conclusion. And as the plaintiffs acknowledge, the Philadelphia court specified that the plaintiffs may seek approval of their settlement again if this litigation is resolved in their favor.[7] Further, the Bureau of Prisons's inmate locator now shows that Mr.

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[6] *Epic/Freedom, LLC v. Aveanna Healthcare, LLC*, 2020 WL 7040973, at *1 (Del. Ch. Dec. 1, 2020).

[7] Pls.' Mot. ¶ 16.

Murnan is expected to be released on or around March 9, 2027.[8] The prejudice to Mr. Murnan of advancing the default hearing while he remains incarcerated still outweighs the prejudice to the plaintiffs of waiting a few more months to be heard and, if they prevail, to seek approval of their Philadelphia settlement again.

The plaintiffs' motion raises another issue. They worry that delaying the default hearing may enable Mr. Murnan to elude them, primarily based on the possibility that his address may not be publicly available when he is released from prison.[9] The plaintiffs also dispute Mr. Murnan's assertion that he had no notice of this action or the Philadelphia action until late August of this year. I refrain from adjudicating that issue now, but I find the plaintiffs' general concern reasonable. Although it does not outweigh the prejudice to Mr. Murnan of proceeding with the hearing before he is released, I will continue to monitor for perceived gamesmanship in this process.

The plaintiffs' motion is granted in part and denied in part. In light of Mr. Murnan's current expected release date of March 9, 2027, the plaintiffs are instructed to secure a new hearing date no earlier than April 2027.

Mr. Murnan is ordered to notify the plaintiffs and the court of his release from prison, including any form of supervised release (including, but not limited to, to a

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[8] Fed. Bureau of Prisons Inmate Locator, https://www.bop.gov/inmateloc/ (Nov. 23, 2026).

[9] Pls.' Mot. ¶¶ 26–27.

residential reentry center or home probation), within seven calendar days of that release. This notice must include Mr. Murnan's new residential address and, if different, his mailing address. If either of those addresses change while this litigation is pending, Mr. Murnan is ordered to notify the plaintiffs and the court of his new address(es) within seven calendar days.

The plaintiffs are instructed to provide a copy of this letter to Mr. Murnan as promptly as practicable by certified mail, marked "Legal Mail" and return receipt requested, and by first-class mail. The plaintiffs must file proof of the mailing with the Register in Chancery as promptly as practicable thereafter.

Sincerely,

/s/ Kathaleen St. J. McCormick

Chancellor

cc: All counsel of record (by *File & ServeXpress*)