Docket #0200 Date Filed: 7/31/2014

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

TELEXFREE, LLC,

Debtor.

Chapter 11
Case No. 14-40987 MSH

WALDEMARA MARTIN, LEANDRO VALENTIM - Putative Claims Representatives And Those Similarly Situated,

Plaintiffs,

v.

TELEXFREE, INC, et al.

Defendants

Adversary Proceeding
No. 14-04044 MSH

SECOND ASSENTED-TO MOTION TO APPROVE STIPULATION TO EXTEND TIME TO FILE AND SERVE ANSWER OR OTHER RESPONSE

The undersigned defendant (the "Defendant") respectfully moves the Court (the "Motion") for an order approving the *Stipulation to Extend Time to File and Serve Answer or Other Response* (the "Stipulation") filed herewith, which, by agreement, extends the Defendant's deadline to file and serve an answer or other responsive pleading in this adversary proceeding a second time as explained below. By way of background, this case is subject to a Motion to Transfer ("Transfer Motion") filed with the United States Judicial Panel on Multidistrict Litigation ("JPMDL"), docketed at MDL No. 2566, which motion seeks an order transferring this case and five other similar class action cases to the JPMDL. Defendant and plaintiffs believe it is prudent to extend the deadline for Defendant to file responsive pleadings until after the Transfer Motion is ruled upon. Specifically, the parties agreed to extend Defendant's date to

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file responsive pleadings to a date after entry of an order appointing lead plaintiff(s) and lead counsel in the JPMDL proceeding that is 30 days subsequent to the filing of a consolidated amended complaint by the lead plaintiff(s), unless otherwise ordered by the court. Given the preliminary state of this adversary proceeding, the pending Transfer Motion, the pending motion to withdraw the reference, and the number of similar class action complaints which have been filed, granting the requested extension is warranted in this proceeding. This is the second request for an extension which has been filed in this case by Defendant.

WHEREFORE, the Defendant respectfully request that the Court enter an order approving the Stipulation, and granting such other relief the Court deems proper and just.

Dated: July 31, 2014

TD BANK, N.A.
By its attorneys,

By:/s/ *Nellie E. Hestin*
Nellie E. Hestin

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Plaintiffs Waldemara Martin, Leandro Valentim,
Putative Claims Representatives and
Those Similarly Situated

By Their Attorneys:

BONSIGNORE, LLC

By:/s/ Robert J. Bonsignore
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IT IS SO ORDERED,

_____
UNITED STATES BANKRUPTCY JUDGE
Dated:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

TELEXFREE, LLC,

Chapter 11
Case No. 14-40987 MSH

Debtor

WALDEMARA MARTIN - Putative Claims Representatives And Those Similarly Situated,

Plaintiffs,

v.

Adversary Proceeding
No. 14-04044 MSH

TELEXFREE, INC, et al.

Defendants

STIPULATION FOR SECOND EXTENSION OF TIME TO FILE AND SERVE ANSWER OR OTHER RESPONSE

WHEREAS, there is now pending a Motion to Transfer ("Motion") the above-reference proceeding filed with the United States Judicial Panel on Multidistrict Litigation ("JPMDL"), docketed at MDL No. 2566;

WHEREAS, Defendant TD Bank, N.A. ("Defendant") filed a short statement in support of the Motion on July 23, 2014, and agreed to file a short statement indicating that it will not object to an expected request by plaintiffs for an expedited ruling by the JPMDL on the Motion requesting transfer and consolidation;

WHEREAS, plaintiffs agree to provide a copy of the motion to expedite in advance of filing the same;

WHEREAS, plaintiffs agree to a second extension of the time for Defendant to file responsive pleadings; and

WHEREAS, the parties to this stipulation enter into this stipulation to confirm the agreement reached by the undersigned parties as it relates to extending the time to file and serve an answer or other responsive pleading.

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the between the attorneys for Plaintiffs Waldemara Martin and Leandro Valentim, Putative Claims Representatives And Those Similarly Situated, and Defendant TD Bank, N.A. that Defendant's time to respond to the Complaint herein shall be extended a second time to a date after entry of an order appointing lead plaintiff(s) and lead counsel that is 30 days subsequent to the filing of a consolidated amended complaint by the lead plaintiff(s), unless otherwise ordered by the court;[1] and

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be executed in counterparts, and a facsimile or scanned copy of same may be deemed an original.

Dated: July 31, 2014

BONSIGNORE, LLC

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[1] If the Motion is denied, the date for Defendant to respond to the Complaint shall be extended to a date that is 30 days after entry of the order denying the Motion.