Docket #0142 Date Filed: 6/27/2014

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

In re Telexfree, LLC Debtor	Chapter 11 Case No. 14-40987
WALDEMARA MARTIN AND LEANDRO VALENTIM – putative claims representatives and those similarly situated, Plaintiff, v. TELEXFREE, INC., f/k/a COMMON CENTS COMMUNICATIONS, INC.; TELEXFREE, LLC; TELEXFREE FINANCIAL, INC.; TELEXELECTRIC, LLP; TELEX MOBILE, HOLDINGS, INC.; JAMES M. MERRILL; CARLOS N. WANZELER; STEVEN M. LABRIOLA; JOSEPH H. CRAFT, a/k/a JOE H. CRAFT; CRAFT FINANCIAL SOLUTIONS, LLC; CARLOS COSTA; GERALD P. NEHRA, individually and doing business as LAW OFFICES OF NERHA AND WAAK; RICHARD W. WAAK, ATTORNEY AT LAW, PLLC; TD BANK, NA; CITIZENS BANK OF MASSACHUSETTS; FIDELITY COOPERATIVE BANK, doing business as FIDELITY BANK; MIDDLESEX SAVINGS BANK; GLOBAL PAYROLL GATEWAY, INC.; INTERNATIONAL PAYOUT SYSTEMS, INC.; PROPAY, INC., doing business as PROPAY.COM; CREDIT PROCESSORS DOE AND PARALEGAL DOE, Defendants.	Adversary Case No. 14-04044 Judge Melvin S. Hoffman



DEFENDANT PROPAY, INC.'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' COMPLAINT

Defendant ProPay, Inc. ("ProPay"), by counsel, respectfully requests an extension of time through and including July 23, 2014 within which to file its answer and/or responsive pleadings in this case. In support hereof, ProPay shows:

1. ProPay was served with Plaintiffs' Complaint on June 3, 2014.

2. ProPay's Answer is currently due on July 3, 2014.

3. ProPay has attempted to contact Plaintiffs' counsel on multiple occasions in an attempt to obtain their consent to an extension of time, but has been unable to do so.

4. ProPay requires additional time to respond to Plaintiffs' 75 page, 539 paragraph Complaint.[1]

5. Accordingly, ProPay requests this extension of time to respond to Plaintiffs' complaint by way of an answer or motion.

6. The request is made in good faith and not for the purpose of delay.

Signature page follows.

[1] ProPay may also seek additional extensions in the future. Specifically, it appears that Plaintiffs have not complied with certain procedural requirements of the Private Securities Litigation Reform Act ("PSLRA"), 15 U.S.C.A. § 78u-4, which apply to putative class actions alleging securities fraud under Rule 10b-5, 17 CFR 240.10b-5. Those procedures are designed in part to facilitate the Court's appointment of a lead plaintiff responsible for directing this litigation on behalf of the putative class. ProPay believes that additional extensions of time will likely be necessary to accommodate compliance with the PSLRA's procedural requirements, and ProPay reserves the right to submit a separate motion and briefing on those issues at the appropriate time.

Respectfully submitted this 27th day of June, 2014.

/s/ Douglas S. Brooks
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Attorney for Defendant ProPay, Inc.

Of counsel:

Phyllis B. Sumner
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1180 Peachtree Street
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CERTIFICATE OF CONSULTATION EFFORTS WITH OPPOSING PARTY

I hereby certify that I, as counsel for ProPay, Inc. ("ProPay"), made reasonable, good faith efforts to reach an agreement with Plaintiffs regarding this motion for extension of time in keeping with MLBR Rule 7016-1. Specifically:

1. On June 23, 2014, I called the office of Robert J. Bonsignore, Esq., attorney for Plaintiffs, and left a voice message for Mr. Bonsignore addressing ProPay's request for an extension and requesting a return call.

2. Shortly after leaving a voice message for Mr. Bonsignore, I spoke to Mr. Bonsignore's legal assistant, Jonna Lent. I reiterated ProPay's request for an extension of time and requested that Mr. Bonsignore call me.

3. On June 25, 2014, I attempted to e-mail Mr. Bonsignore and addressed my email to the address listed on the complaint filed in this action, rbonsignore@classaction.us. My email was bounced back as a non-deliverable.

4. On the morning of June 27, 2014, I again called Mr. Bonsignore seeking an extension. I left him a voice message advising him of ProPay's plan to seek an extension by motion and asking him to contact me immediately.

5. Because Mr. Bonsignore has failed to return ProPay's messages, and because my attempts to e-mail Mr. Bonsignore were unsuccessful, ProPay has filed this motion without consent.

This 27th day of June, 2014.

/s/ David E. Meadows
David E. Meadows
Attorney for Defendant ProPay, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of June, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic mail notification to all parties to the adversary proceeding that have appeared before the court. Furthermore, I certify that on the 27th day of June, 2014, I have served all other parties to the adversary proceeding by placing this motion in the U.S. Mail, postage pre-paid, to the following addresses:

James M. Merrill
1 Coburn Drive
Ashland, Massachusetts 01721

Carlos N. Wanzeler
373 Howard Street
Northborough, Massachusetts 01532

Steven M. Labriola
21 Kiwanis Beach Road
Upton, Massachusetts 01568

Joseph H. Craft a/k/a Joe H. Craft
825 E. Main Street
Boonville, Indiana 47601-1885

Joe H. Craft, CPA/PFS, CFP
825 E. Main Street
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Craft Financial Solutions, LLC
825 E. Main Street
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Carlos Costa
44A McClintock Avenue
Unit A
Worcester, Massachusetts 01604

Citizens Financial Group, Inc.
28 State Street
Boston, Massachusetts 02109

Citizens Bank of Massachusetts
28 State Street
Boston, Massachusetts 02109

Fidelity Co-Operative Bank d/b/a Fidelity Bank
675 Main Street
Fitchburg, Massachusetts 01420

Middlesex Savings Bank
6 Main Street
Natick, Massachusetts 01760

Global Payroll Gateway, Inc.
18662 MacArthur Boulevard
Suite 200
Irvine, California 92612

International Payout Systems, Inc.
2500 East Hallandale Beach Boulevard
Suite 800
Hallandale Beach, Florida 33009

ProPay, Inc. d/b/a ProPay.com
3400 North Ashton Boulevard
Lehi, Utah 84043

Signature page follows.

This 27th day of June, 2014.

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Attorney for Defendant ProPay, Inc.

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[PROPOSED] ORDER GRANTING DEFENDANT PROPAY INC.'S MOTION FOR EXTENSION OF TIME TO ANSWER PLAINTIFF'S COMPLAINT

Upon consideration of Defendant ProPay, Inc.'s ("ProPay") motion, it is hereby ORDERED that:

1. ProPay's motion is GRANTED.

2. ProPay has an additional twenty (20) days, up to and including July 23, 2014 to answer, move to dismiss, and/or otherwise respond to Plaintiffs' Complaint.

IT IS SO ORDERED this _____ day of July, 2014.

HON. MELVIN S. HOFFMAN
UNITED STATES BANKRUPTCY JUDGE
DISTRICT OF MASSACHUSETTS