Docket #0229 Date Filed: 7/25/2014

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

TELEXFREE, LLC,

Debtor

Chapter 11
Case No. 14-40987 MSH

ANTHONY CELLUCCI, JAMILLY LAKE AND GERIVALDO PACHECO - Putative Claims Representatives And Those Similarly Situated,

Plaintiffs,

v.

TELEXFREE, INC, et al.

Defendants

Adversary Proceeding
No. 14-04057 MSH

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 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 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.[1] 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. This Court previously approved a stipulation extending Defendant's response date to July 30, 2014.

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 25, 2014

TD BANK, N.A.
By its attorneys,

By:/s/ *Nellie E. Hestin*
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Attorneys for Defendant

[1] Should the Transfer Motion be denied, the time to respond shall be extended to a date that is 30 days after entry of an order denying the Transfer Motion, unless otherwise ordered by the court.

TD Bank, N.A

Assented to:

Plaintiffs, Putative Claims Representatives
And Those Similarly Situated

By their attorneys,

_/s/ Ronald A. Dardeno_____

Ronald A. Dardeno
Law Offices of Frank N. Dardeno, LLP
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(617) 666-2600
rdardeno@dardeno.com

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.

ANTHONY CELLUCCI, JAMILLY LAKE AND GERIVALDO PACHECO - Putative Claims Representatives And Those Similarly Situated,

Plaintiffs,

Adversary Proceeding
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v.

TELEXFREE, INC, et al.

Defendants

CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP,
101 Second Street, Suite 1800, San Francisco, California 94105-3659. On July 25, 2014, I served the following document(s) by the method indicated below:

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

STIPULATION TO EXTEND TIME TO FILE AND SERVE ANSWER OR OTHER RESPONSE

☑ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 25, 2014, at San Francisco, California.

/s/ Renee Pelusi
Renee Pelusi