Docket #0243 Date Filed: 8/5/2014

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

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 defendants Bank of America Corporation and Bank of America, N.A. (the "Bank of America Defendants") respectfully move for an order approving the Stipulation to Extend Time to File and Serve Answer or Other Response (the "Stipulation") attached hereto as Exhibit A, which, by agreement, extends the Bank of America Defendants' deadline to file and serve an answer or other responsive pleading in this adversary proceeding until after the United States Judicial Panel on Multidistrict Litigation ("JPMDL") decides a Motion to Transfer ("Transfer Motion") (docketed at MDL No. 2566), seeking an order transferring this case and five other similar class action cases, and after the appointment of lead plaintiff(s) and lead counsel and their filing of a consolidated amended complaint. The plaintiffs assent to this motion.

The Bank of America Defendants and plaintiffs believe it is prudent to extend the deadline for the Bank of America Defendants to file responsive pleadings until after the Transfer

Motion is ruled upon and lead plaintiffs have filed a consolidated amended complaint. Specifically, the parties agree to extend the Bank of America Defendants' date to file responsive pleadings to a date after entry of an order appointing lead plaintiff(s) and lead counsel in any MDL 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 Bank of America Defendants' second request for an extension. Although the Court previously approved the Bank of America Defendants' earlier request (Dkt. No. 202), since that time, the Court has granted other defendants an extension similar to the one requested here. *See, e.g.*, Dkt. No. 231. This request for an extension will make the Bank of America Defendants' response date uniform with those other defendants' response date.

WHEREFORE, defendants Bank of America Corporation and Bank of America, N.A. respectfully request that the Court enter an order approving the Stipulation and extending the response date.

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By: */s/ Carol E. Head*

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[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.

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Attorneys for Defendants Bank of America Corporation and Bank of America, N.A.

Dated: August 5, 2014

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2014, this document (filed through the ECF system) will be sent electronically to all parties who have appeared before the Court by operation of the Court's ECF system and will serve any non-registered participants by U.S. mail.

/s/ Carol E. Head
Carol E. Head, BBO # 652170

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

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

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

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

WHEREAS, defendants Bank of America Corporation and Bank of America, N.A. (the "Bank of America Defendants") filed a short statement in support of the Motion on July 23, 2014;

WHEREAS, plaintiffs agree to extend the time for the Bank of America Defendants to file responsive pleadings; and

WHEREAS, the parties enter into this stipulation to confirm the agreement reached by them 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 attorneys for Plaintiffs Anthony Cellucci, Jamilly Lake and Gerivaldo Pacheco, Putative Claims Representatives And Those Similarly Situated, and defendants Bank of America Corporation and

Bank of America, N.A. that the Bank of America Defendants' time to respond to the complaint herein shall be extended 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),[1] unless otherwise ordered by the court.

Respectfully submitted,

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Attorneys for Defendants Bank of America Corporation and Bank of America, N.A.

Dated: August 5, 2014

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/s/ Carol E. Head
Carol E. Head, BBO # 652170