Docket #0016 Date Filed: 6/23/2016

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re TELEXFREE, LLC TELEXFREE, INC. and TELEXFREE FINANCIAL, INC. Debtors.	Chapter 11 Cases 14-40987-MSH 14-40988-MSH 14-40989-MSH Jointly Administered
STEPHEN B. DARR, CHAPTER 11 TRUSTEE OF EACH OF THE DEBTORS, Plaintiff, v. OPT 3 SOLUTIONS, INC. and JAY BORROMEI Defendants.	Adversary Proceeding No. 16-04034

THIRD MOTION BY DEFENDANTS OPT 3 SOLUTIONS, INC. AND JAY BORROMEI FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE MOVE AS TO THE COMPLAINT

[UNOPPOSED]

Defendants Opt3 Solutions, Inc. ("Opt3") and Jay Borromei hereby respectfully move the Court, on an unopposed basis, to grant them an extension of the time within which they are to file an answer or otherwise move as to the *Complaint* [ECF No. 1]. In support of this motion, Opt3 and Jay Borromei respectfully state as follows:

1. Opt3 and Jay Borromei were named as a defendants in the *Complaint.*

2. The *Summons* [ECF No. 2] set an answer deadline of May 5, 2016.

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3. On May 3, 2016, Opt3 and Jay Borromei filed their first motion requesting an extension of time to answer or otherwise move as to the *Complaint*. The Court granted the motion and extended the answer deadline to June 6, 2016.

4. On June 3, 2016, Opt3 and Jay Borromei filed their second motion requesting an extension of time to answer or otherwise move as to the *Complaint*. The Court granted the motion and extended the answer deadline to June 27, 2016.

5. Opt3 and Jay Borromei have been and continue to be in discussions with counsel to the Trustee regarding the claims in this action, and expect to continue those discussions over the next several weeks.

6. As discussions are ongoing, Opt3, Jay Borromei and the Trustee believe that filing any response to the *Complaint* at this time would be premature.

7. Accordingly, Opt3 and Jay Borromei respectfully request that this Court extend, for a period of twenty-one (21) days, to and including July 18, 2016, the time within which they are to file an answer or otherwise move as to the *Complaint*.[1]

[1] This request is made without prejudice to any rights, claims or defenses that Opt3 and Jay Borromei have with respect to the *Complaint* or any matter relating thereto or alleged therein.

Date: June 23, 2016

OPT3 SOLUTIONS, INC. and
JAY BORROMEI,

By their counsel,

/s/ Timothy J. Durken[2]

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[2] Counsel enters this limited appearance solely with respect to filing this motion seeking an extension of the time to answer.

MLBR 9013-1 CERTIFICATION

On June 23, 2016, counsel for Opt3 and Jay Borromei communicated by telephone and email with Andrew G. Lizotte of Murphy & King, P.C., counsel to the Trustee in this matter, who indicated that he did not oppose the within motion or the relief sought herein.

/s/ Timothy J. Durken

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of June, 2016, I caused true copies of the within motion to be served through the Court's CM/ECF system upon all registered electronic filers appearing in this case.

/s/ Timothy J. Durken

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