Docket #0012 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. INFINIUM WIRELESS, LLC Defendant.	Adversary Proceeding No. 16-04033

THIRD MOTION BY DEFENDANT INFINIUM WIRELESS, LLC FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE MOVE AS TO THE COMPLAINT

[UNOPPOSED]

Defendant Infinium Wireless, LLC ("Infinium") hereby respectfully moves the Court, on an unopposed basis, to grant Infinium an extension of the time within which it is to file an answer or otherwise move as to the *Complaint* [ECF No. 1]. In support of this motion, Infinium respectfully states as follows:

1. Infinium was named as a defendant 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, Infinium filed its 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, Infinium filed its 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. Infinium has been and continues to be in discussions with counsel to the Trustee regarding the claims in this action, and expects to continue those discussions over the next several weeks.

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

7. Accordingly, Infinium respectfully requests that this Court extend, for a period of twenty-one (21) days, to and including July 18, 2016, the time within which it is 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 Infinium has with respect to the *Complaint* or any matter relating thereto or alleged therein.

Date: June 23, 2016

INFINIUM WIRELESS, LLC.

By its 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 Infinium 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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