Docket #0042 Date Filed: 8/16/2016

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re: TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC., TelexFree.	Chapter 11 Cases 14-40987-MSH 14-40988-MSH 14-40989-MSH Jointly Administered
STEPHEN B. DARR AS TRUSTEE OF THE ESTATES OF TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC., Plaintiffs, v. RITA DOS SANTOS, INDIVIDUALLY AND AS PUTATIVE CLASS REPRESENTATIVE, AND MARIA MURDOCH, ANGELA BATISTA JIMENEZ, ELISANGELA OLIVEIRA AND DIOGO DE ARAUGO, AS PUTATIVE CLASS REPRESENTATIVES, Defendants.	Adversary Proceeding No. 15-04055

ASSENTED TO MOTION BY TRUSTEE TO ESTABLISH RESPONSE DATE FOR PIEC'S MOTION FOR SUMMARY JUDGMENT

Stephen B. Darr, as he is the Trustee (the "Trustee") of the Chapter 11 estates ("Estates") of TelexFree, LLC, TelexFree, Inc. and TelexFree Financial, Inc. (collectively, the "Debtors"), respectfully requests that the Court establish September 2, 2016 as the date for responses and cross-motions to the motion for summary judgment filed by the Plaintiffs Interim Executive

Committee on behalf of the defendants (the "Defendants"). In support of this motion, the Trustee states as follows:

1. On or about February 26, 2016, the Trustee filed his Amended Complaint. Pursuant thereto, the Trustee alleged, among other things, that certain claims (the "Unjust Enrichment Claims") asserted by the Defendants, individually and in their representative capacity, in the United States District Court in pending multi-district litigation were substantially the same claims, and sought to recover the same property, that the Trustee was pursuing in two pending class actions[1] against Net Winners[2] in the TelexFree Ponzi scheme.

2. The Amended Complaint contains three counts.

3. The first count of the Amended Complaint seeks a declaratory judgment that the Defendants' pursuit of the Unjust Enrichment Claims violates the automatic stay provisions of 11 U.S.C. §362 and interferes with the Trustee's exclusive right to seek recovery from Net Winners on behalf of the bankruptcy estates.

4. The second count of the Amended Complaint seeks damages from the Defendants on account of the Defendants' violation of the automatic stay.

5. The third count of the Amended Complaint requests entry of an order restraining and enjoining the Defendants from pursuit of the Unjust Enrichment Claims.

6. On August 5, 2016, the Defendants filed the Motion for Summary Judgment requesting dismissal of the Amended Complaint.

7. The Trustee requests that the Court establish September 2, 2016 as the deadline for responses and cross-motions to the Motion for Summary Judgment.

8. The Defendants stated that they have no opposition to the requested relief.

[1] The class action complaints filed by the Trustee include *Darr v. Argueta et al*, Adv. Proc. No. 16-4006, and *Darr v. Alecci et al*, Adv. Proc. No. 16-4007, both pending before the Court.
[2] Terms not defined herein have the meaning set forth in the Amended Complaint.

Wherefore, the Trustee prays that this Court;

1. Enter an order establishing Friday September 2, 2016 as the deadline for responses and cross-motions to the PIEC Motion for Summary Judgment; and
2. Grant such other relief as is just and proper.

STEPHEN B. DARR AS TRUSTEE
OF THE ESTATES OF TELEXFREE,
LLC, TELEXFREE, INC. and
TELEXFREE FINANCIAL, INC.

By his attorneys,

Dated: August 16, 2016

/s/ Andrew G. Lizotte

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CERTIFICATE OF SERVICE

I, Andrew G. Lizotte, hereby certify that I have this day caused to be served a copy of the

Assented to Motion by Trustee to Establish Response Date for PIEC's Motion for Summary

Judgment via this Court's CM/ECF System, by Electronic Mail and by First Class Mail, postage prepaid as indicated on the attached service list.

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