Docket #0045 Date Filed: 9/2/2016

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 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

OPPOSITION BY TRUSTEE TO PIEC MOTION FOR SUMMARY JUDGMENT

Stephen B. Darr, the Chapter 11 Trustee ("Trustee") of TelexFree LLC, TelexFree Inc., and TelexFree Financial Inc., submits this opposition to PIEC's Motion for Summary Judgement in this action [docket entry 39] (the "Summary Judgment Motion"). As the Defendants have failed to demonstrate that they are entitled to judgment as a matter of law, the Summary Judgment Motion should be denied.

In further support of this opposition, the Trustee relies upon the following:

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1. Trustee's Memorandum of Law in Support of Opposition by Trustee to PIEC Motion for Summary Judgment and Cross-Motion by Trustee for Summary Judgment;
2. Cross-Motion by Trustee for Summary Judgment;
3. Trustee's Statement of Undisputed Material Facts in Support of Cross-Motion for Summary Judgement;
4. Trustee's Response to Defendants' Statement of Undisputed Material Facts in Support of PIEC Motion for Summary Judgment; and
5. Affidavit of Stephen B. Darr in Opposition to the PIEC Motion for Summary Judgment and in Support of the Trustee's Cross Motion for Summary Judgment.

Wherefore, the Trustee respectfully requests that the Summary Judgment Motion be denied and that the Court grant the Trustee such other and further relief as it deems just and proper.

Respectfully submitted,

STEPHEN B. DARR, CHAPTER 11 TRUSTEE,
By his counsel:

Dated: September 2, 2016

/s/ Andrew G. Lizotte
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