Docket #0002 Date Filed: 8/23/2016

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:	Chapter 11 Cases
TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC.,	14-40987-MSH 14-40988-MSH 14-40989-MSH
Debtors.	Jointly Administered
STEPHEN DARR AS HE IS THE TRUSTEE OF THE CHAPTER 11 ESTATES OF TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC., Plaintiff, v. SUNWIND ENERGY DOYLE NORTH LLC, SUNWIND ENERGY SOLUTIONS DOYLE NORTH, LLC, SUNWIND ENERGY SOLUTIONS LLLP, and SUNWIND ENERGY GROUP LLLP, Defendants, and TOP NOTCH PERFORMERS, LLC Reach and Apply Defendant.	Adv. Proc. No. 16-

MOTION FOR EXPEDITED HEARING ON TRUSTEE'S REQUEST FOR PRELIMINARY INJUNCTION UNDER COUNT III OF THE TRUSTEE VERIFIED COMPLAINT

Introduction

Stephen Darr, as he is the duly appointed and acting Trustee (the "Trustee") of the Chapter 11 Estates of TelexFree, Inc., TelexFree, LLC and TelexFree Financial, Inc.,

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(collectively, "TelexFree" or the "Debtors"), moves that this Court grant him an expedited hearing on his request in Count III of his Complaint for a preliminary injunction relating to the sale of certain assets by the Defendants, Sunwind Energy Doyle North LLC, Sunwind Energy Solutions Doyle North LLC, Sunwind Energy Solutions LLLP, and Sunwind Energy Group LLLP (collectively, "Sunwind"), to Top Notch Performers, LLC ("Top Notch"). The Trustee seeks an expedited hearing on the basis that the due diligence period is close to being concluded and that a sale could occur within the next four weeks. Additionally, there is a potential for other creditors of Sunwind to seek to obtain an attachment or security interest in the assets of Sunwind, which would be prejudicial to the Trustee's claim. Accordingly, the Trustee seeks an expedited determination of its request for a preliminary injunction, thereby granting to him an equitable lien on the proceeds from the sale.

WHEREFORE, Stephen Darr, as Trustee of the Debtors' Estates, respectfully prays that his Motion be allowed and the Court schedule a hearing on the Trustee's request for preliminary injunction as soon as reasonably possible.

STEPHEN DARR AS TRUSTEE OF
TELEXFREE, LLC, TELEXFREE, INC.
and TELEXFREE FINANCIAL, INC.
By his attorneys,

/s/ Charles R. Bennett, Jr.

Charles R. Bennett, Jr. (BBO #037380)
Andrew G. Lizotte (BBO #559609)
Murphy & King, Professional Corporation
One Beacon Street
Boston, MA 02108
Tel: (617) 423-0400
Email: CBennett@murphyking.com
Email: ALizotte@murphyking.com

Dated: August 23, 2016
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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 DARR AS HE IS THE TRUSTEE OF THE CHAPTER 11 ESTATES OF TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC., Plaintiff, v. SUNWIND ENERGY DOYLE NORTH LLC, SUNWIND ENERGY SOLUTIONS DOYLE NORTH, LLC, SUNWIND ENERGY SOLUTIONS LLLP, and SUNWIND ENERGY GROUP LLLP, Defendants, and TOP NOTCH PERFORMERS, LLC Reach and Apply Defendant.	Adv. Proc. No. 16-

ORDER ON THE REQUEST BY STEPHEN DARR AS TRUSTEE FOR PRELIMINARY INJUNCTION

This matter having come before the Court upon the Verified Complaint by Stephen Darr as Trustee (the "Trustee") of the Chapter 11 Estates of TelexFree, Inc., TelexFree, LLC and

TelexFree Financial, Inc., (collectively, "TelexFree" or the "Debtors"), after hearing and for cause shown, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. The Trustee's request for preliminary injunction is granted, and Sunwind Energy Doyle North LLC, Sunwind Energy Solutions Doyle North LLC, Sunwind Energy Solutions LLLP, and Sunwind Energy Group LLLP (collectively, "Sunwind") and Top Notch Performers, LLC ("Top Notch"), and each and every person acting in concert with them, are hereby enjoined and restrained from distributing the proceeds from the sale of the Sunwind assets to Top Notch in any manner inconsistent with the Settlement Agreement by and among Sunwind and the Trustee. Sunwind and Top Notch are further restrained and enjoined from disbursing the proceeds from the sale subject to the Trustee reaching and applying such proceeds in satisfaction of the obligation of Sunwind to the Trustee. However nothing contained herein shall restrain or enjoin Sunwind and Top Notch from paying the proceeds of the sale to the Trustee in accordance with the Settlement Agreement.

Dated at Boston within said District this _____ day of August, 2016.

_____
Hoffman, J.

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CERTIFICATE OF SERVICE

I, Charles R. Bennett, Jr., hereby certify that on August 23, 2016, I caused copies of the following documents filed through the ECF system, to be sent by first-class mail, upon the parties as indicated on the annexed service list:

- Motion for Expedited Hearing on Trustee's Motion for Preliminary Injunction; and

- [Proposed] Order on the Request by Stephen Darr as Trustee for Preliminary Injunction.

/s/ Charles R. Bennett, Jr.

Charles R. Bennett, Jr. (BBO #037380)
Murphy & King, Professional Corporation
One Beacon Street
Boston, MA 02108
Tel: (617) 423-0400
Email: cbennett@murphyking.com

Dated: August 23, 2016
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VIA FIRST-CLASS MAIL

Bruce Singal
Donoghue Barrett and Singal PC
One Beacon Street, 13th Floor
Boston, MA 02108

Top Notch Performers, LLC
5151 Procyon #110
Las Vega, NV 89118

Eric C. Bronk
3857 Birch Street, #606
Newport Beach, CA 92660
Email: ecbronk@gmail.com