

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

<p>In re:</p> <p>TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC.,</p> <p style="text-align: center;">Debtors.</p> <hr/> <p>STEPHEN B. DARR AS HE IS TRUSTEE OF THE CHAPTER 11 ESTATES OF TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>OPT 3 SOLUTIONS, INC. AND JAY BORROMEI,</p> <p style="text-align: center;">Defendant(s).</p>
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Chapter 11 Cases

14-40987-MSH  
14-40988-MSH  
14-40989-MSH

Jointly Administered

Adversary Proceeding  
No.16-4034-MSH

**MOTION FOR ENTRY OF DEFAULT**

Stephen B. Darr, as he is the Trustee (the “Trustee”) of the Chapter 11 estates of TelexFree, LLC, TelexFree, Inc., and TelexFree Financial, Inc. (collectively, the “Debtors”), moves pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, as incorporated herein by Rule 7055 of the Rules of Bankruptcy Procedure, that the Defendant Opt 3 Solutions, Inc. (“Opt 3”) be defaulted for failure to answer or otherwise defend this action.

In support of his motion, the Trustee states as follows:



1. On January 11, 2017, the Trustee made a motion for the issuance of an alias summons.
2. The motion was approved and a summons issued on January 11, 2017.
3. On January 17, 2017, the Trustee filed a notice of service of the summons.
4. Opt 3 was required to file a responsive pleading by February 10, 2017. No responsive pleading has been filed.
5. On May 3, 2017, the Court entered an order approving the motion by Timothy Durken and Bruce Smith to withdraw as counsel to Opt 3.<sup>1</sup>
6. In further support of this motion, the Trustee relies on the Affidavit of Andrew G. Lizotte, Esquire, annexed hereto as Exhibit A.

WHEREFORE, the Stephen B. Darr, as he is the Trustee of the Chapter 11 Estates of TelexFree, LLC, TelexFree, Inc., and TelexFree Financial, Inc., respectfully prays that his Motion be allowed and that this Court enter an order defaulting Opt 3.

STEPHEN DARR AS HE IS THE  
TRUSTEE OF THE CHAPTER 11  
ESTATES OF EACH OF THE DEBTORS  
By his attorneys,

/s/ Andrew G. Lizotte  
Andrew G. Lizotte (BBO #559609)  
Murphy & King, Professional Corporation  
One Beacon Street  
Boston, MA 02108  
(617) 423-0400  
[ALizotte@murphyking.com](mailto:ALizotte@murphyking.com)

Dated: May 5, 2017  
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<sup>1</sup> The co-defendant, Jay Borrromei, filed a Suggestion of Bankruptcy on September 20, 2016. The Trustee's claims against Borrromei are therefore stayed. Borrromei is the principal of Opt 3.

**UNITED STATES BANKRUPTCY COURT  
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TELEXFREE, LLC,  
TELEXFREE, INC. and  
TELEXFREE FINANCIAL, INC.,

Debtors.

STEPHEN B. DARR AS HE IS TRUSTEE OF  
THE CHAPTER 11 ESTATES OF TELEXFREE,  
LLC,  
TELEXFREE, INC. and  
TELEXFREE FINANCIAL, INC.,

Plaintiff,

v.

OPT 3 SOLUTIONS, INC. AND JAY  
BORROMEI,

Defendant(s).

Chapter 11 Cases

14-40987-MSH

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Jointly Administered

Adversary Proceeding

No.16-4034-MSH

**AFFIDAVIT OF ANDREW LIZOTTE IN SUPPORT  
OF TRUSTEE'S MOTION FOR ENTRY OF DEFAULT**

I, Andrew Lizotte, being duly sworn, depose and state that:

1. I am a member of the law firm of Murphy & King, which law firm is counsel to Stephen Darr, as he is the Chapter 11 Trustee (the "Trustee") of TelexFree, LLC, TelexFree, Inc., and TelexFree Financial, Inc. (the "Debtors"). I am making this affidavit based upon my personal knowledge except with respect to those statements made on information and belief, and as to those statements, I believe them to be true based upon the books and records of the Debtors.
2. On April 5, 2016, the Trustee commenced this action by filing the Complaint.

3. On or about January 11, 2017, I caused a copy of the alias Summons and Complaint to be mailed, by first class mail, upon the Defendant Opt 3 Solution, Inc. ("Opt 3") at Attention: Jay Borromei, President, 15642 Sand Canyon Ave., #52255, Irvine, CA 92619.<sup>1</sup>

4. On January 17, 2017, I filed a certificate of service attesting that Opt 3 was successfully served with the Complaint and Summons.

5. The deadline in the Alias Summons to file an answer was February 10, 2017.

6. The docket reflects that no responsive pleading has been filed.

7. On May 3, 2017, the Court approved the motion by Timothy Durken and Bruce Smith to withdraw as counsel to Opt 3.

8. Jay Borromei, the co-Defendant and principal of Opt 3, filed a Chapter 7 bankruptcy petition in the Central District of California on September 13, 2016. Mr. Borromei filed a Suggestion of Bankruptcy with this Court on September 20, 2016 and the matter is stayed as to Borromei.

*Signed under the pains and penalties of perjury this 5<sup>th</sup> day of May, 2017.*

  
\_\_\_\_\_  
Andrew G. Lizotte

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<sup>1</sup> The Trustee confirmed the accuracy of the address through telephone communication with the Defendant.

**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 HE IS TRUSTEE OF THE CHAPTER 11 ESTATES OF TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC.,  Plaintiff,	Adversary Proceeding No.16-4034-MSH
v.  OPT 3 SOLUTIONS, INC., JAY BORROMEI,  Defendant(s).	

**CERTIFICATE OF SERVICE**

I, Andrew G. Lizotte, hereby certify that I have this day caused to be served the *Motion for Entry of Default* via first class mail, postage prepaid as indicated below:

Opt3 Solutions, Inc.  
c/o Jay Borrromei, President  
15642 Sand Canyon Ave  
#52255  
Irvine, CA 92619-2255

/s/ Andrew G. Lizotte  
Andrew G. Lizotte (BBO #559609)  
Murphy & King Professional Corporation  
One Beacon Street  
Boston, MA 02108  
(617) 423-0400  
[ALizotte@murphyking.com](mailto:ALizotte@murphyking.com)

DATED: May 5, 2017

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