Docket #0009 Date Filed: 10/10/2018

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 EACH OF THE DEBTORS, Plaintiff and, Counterclaim Defendant, v. UNITED STATES OF AMERICA, DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE, Defendant and Counterclaim Plaintiff.	Adversary Proceeding No. 18-04091

MOTION TO APPROVE DISCOVERY PLAN

The Plaintiff Stephen Darr, as he is the Trustee (the "Trustee") of the Chapter 11 Estates of TelexFree, LLC, TelexFree, Inc. and TelexFree Financial, Inc. (collectively "TelexFree") respectfully requests that the Court approve the *Joint Discovery Plan and Rule 26(f) Certification* (the "Discovery Plan") filed concurrently with this Motion. In support thereof, the Trustee states as follows:

1. This matter was commenced on July 30, 2018 by the filing of a complaint [docket no. 1] (the "Complaint") by the Trustee seeking, among other things, certain declaratory

1440987181025000000000005

judgments against, and the disallowance of claims filed by, the defendant United States of America, Department of the Treasury, Internal Revenue Service (the "Service").

2. The Service filed an answer to the Complaint and counterclaim on September 4, 2018 [docket no. 4].

3. The Court entered a Pretrial Order on September 6, 2018 [docket no. 5].

4. Since the commencement of this case, the Trustee and the Service (collectively the "Parties") have conferred with respect to their respective claims and defenses. In compliance with the Pretrial Order, the Parties have conferred regarding the matters set forth in Rule 26(f) of the Federal Rules of Civil Procedure and have agreed upon a schedule of discovery and related pre-trial matters set forth in the Discovery Plan. That schedule considers, among other things, the anticipated amount and types of discovery, the phasing of discovery, and the schedules of counsel to the Parties. The Parties believe that compliance with the Discovery Plan will progress this matter and conserve the resources of the Parties and the Court. Accordingly, good cause exists for approval of the Discovery Plan.

[this space is intentionally left blank]

WHEREFORE, the Trustee respectfully requests that the Court enter an order approving the Discovery Plan and granting such other relief as the Court deems just and proper in the circumstances.

Respectfully submitted,

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

By his attorneys,

/s/ Charles R. Bennett, Jr.
Harold B. Murphy (BBO #326610)
Charles R. Bennett, Jr. (BBO #037380)
Andrew G. Lizotte (BBO #559609)
Murphy & King, Professional Corporation
One Beacon Street
Boston, MA 02108
(617) 423-0400
HMurphy@murphyking.com
CBennett@murphyking.com
ALizotte@murphyking.com

Dated: October 10, 2018

CERTIFICATE OF SERVICE

I, Charles R. Bennett, Jr., hereby certify that on this date, I caused a copy of the foregoing Motion to be served by the Court's CM/ECF System upon all parties entitled to notice thereunder and by electronic mail to the below listed counsel to the Defendant United States of America.

Carl L. Moore
Carl.L.Moore@usdoj.gov

/s/ Charles R. Bennett, Jr.
Charles R. Bennett, Jr.

Dated: October 10, 2018
749065