United States Bankruptcy Court
District of Massachusetts

Darr,
Plaintiff

Adv. Proc. No. 18-04091-msh

Internal Revenue Service,
Defendant

CERTIFICATE OF NOTICE

District/off: 0101-4 User: telam Page 1 of 1 Date Rcvd: Dec 27, 2018
Form ID: pdf012 Total Noticed: 3

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 29, 2018.
pla +Stephen Darr, Huron Consulting Services, LLC, 100 High St., Boston, MA 02110-1964

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
ust +E-mail/Text: USTPRegion01.WO.ECF@usdoj.gov Dec 28 2018 00:12:05 Richard King, Office of US. Trustee, 446 Main Street, 14th Floor, Worcester, MA 01608-2361
dft E-mail/Text: cio.bncmail@irs.gov Dec 28 2018 00:12:02 Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 02110
TOTAL: 2

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cc* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346, PHILADELPHIA PA 19101-7346
(address filed with court: Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 02110)
cd* +Stephen Darr, Huron Consulting Services, LLC, 100 High St., Boston, MA 02110-1964
TOTALS: 0, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 29, 2018 Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 27, 2018 at the address(es) listed below:
Andrew G. Lizotte on behalf of Plaintiff Stephen Darr agl@murphyking.com, bankruptcy@murphyking.com;pas@murphyking.com;ddk@murphyking.com;agl@murphyking.com;ecf-72a6723957cc@ecf.pacerpro.com
Carl L. Moore on behalf of Counter-Claimant Internal Revenue Service carl.l.moore@usdoj.gov, northern.taxcivil@usdoj.gov
Carl L. Moore on behalf of Defendant Internal Revenue Service carl.l.moore@usdoj.gov, northern.taxcivil@usdoj.gov
Charles R. Bennett, Jr. on behalf of Plaintiff Stephen Darr cbennett@murphyking.com, bankruptcy@murphyking.com;imccormack@murphyking.com;amaciver@murphyking.com;dmeyer@murphyking.com;ecf-ca5a5ac33a04@ecf.pacerpro.com
TOTAL: 4

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12/27/2018 Allowed. The 01/03/19 hearing is continued pending further order of the court.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In Re:	)	Chapter 11
	)	
TELEXFREE, LLC,	)	Case No. 14-40987-MSH
TELEXFREE, INC., and	)	Case No. 14-40988-MSH
TELEXFREE FINANCIAL, INC.,	)	Case No. 14-40989-MSH
	)	
Debtors.	)	Jointly Administered
	)	
STEPHEN DARR, AS HE IS THE TRUSTEE OF THE CHAPTER 11 ESTATES OF EACH OF THE DEBTORS,	)	
	)	Adv. Proc. No. 18-04091
Plaintiff and Counterclaim Defendant,	)	Judge Melvin S. Hoffman
	)	
v.	)	
	)	
UNITED STATES OF AMERICA, DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE,	)	
	)	
Defendant and Counterclaim Plaintiff.	)	

MOTION FOR A STAY OF THE HEARING SET FOR JANUARY 3, 2019 IN LIGHT OF LAPSE OF APPROPRIATIONS

The Defendant/Counterclaim Plaintiff United States of America hereby moves to stay the hearing scheduled for January 3, 2019, at 11:00 a.m., on the cross motions for partial summary judgment (*see* Doc. Nos. 18-1 and 24) in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the Internal Revenue Service. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the Internal Revenue Service are prohibited from working, even on a voluntary basis, except in limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the hearing on the cross motions for partial summary judgment until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department.

5. Opposing counsel assents to the relief requested in this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of hearing scheduled for January 3, 2019, at 11:00 a.m. in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General
Tax Division, U.S. Department of Justice

/s/ Carl L. Moore
CARL L. MOORE
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 55
Washington, D.C. 20044
202-307-5892 (v)
Carl.L.Moore@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on December 26, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF-registered participants.

/s/ Carl L. Moore
CARL L. MOORE
Trial Attorney, Tax Division
U.S. Department of Justice