Docket #0073 Date Filed: 11/6/2019

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re:	)	Chapter 11
	)	
TELEXFREE, LLC,	)	Case No. 14-40987
TELEXFREE, INC., and	)	Case No. 14-40988
TELEXFREE FINANCIAL, INC.,	)	Case No. 14-40989
	)	
Debtors.	)	Jointly Administered
	)	
STEPHEN DARR,	)	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.	)	

UNITED STATES OF AMERICA'S UNOPPOSED MOTION TO EXTEND BY 7 DAYS ITS TIME TO FILE A REPLY BRIEF IN SUPPORT OF ITS SECOND MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendant and Counterclaim Plaintiff United States of America, named and sued as United States of America, Department of Treasury, Internal Revenue Service, hereby moves that the Court grant a seven-day extension of time for the United States to file a reply brief in support of its Second Motion for Partial Summary Judgment, thereby extending the reply deadline from November 18, 2019, until November 25, 2019. In support of this motion, the United States states as follows:

1. On September 20, 2019, the United States filed its Second Motion for Partial Summary Judgment.

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2. Pursuant to the local rules, the Trustee's deadline to respond to the Second Motion for Partial Summary Judgment was initially October 11, 2019. *See* D. Mass. L.R. 56.1; Bankr. D. Mass. L.R. 7056-1.

3. On or about October 7, 2019, counsel for the Chapter 11 Trustee, Stephen Darr, requested that undersigned counsel for the United States consent to a one-week extension of the Trustee's deadline to respond to the United States' Second Motion for Partial Summary Judgment. Undersigned counsel agreed to the extension without condition, and the Trustee's counsel filed an assented-to motion for the extension, seeking to extend the response deadline to October 18, 2019.

4. On October 9, 2019, the Court set a hearing date of December 18, 2019, on the Second Motion for Partial Summary Judgment, and directed that any objection or response be filed by November 4, 2019.

5. The Trustee filed an opposition to the Second Motion for Partial Summary Judgment on November 4, 2019.

6. Under the local rules, the United States currently has until November 18, 2019, to file a reply brief in support of its Second Motion for Partial Summary Judgment. *See* D. Mass. L.R. 56.1; Bankr. D. Mass. L.R. 7056-1.

7. On November 6, 2019, undersigned counsel contacted counsel for the Trustee and requested consent to a one-week extension of the United States' deadline to file its reply brief.

8. On November 6, 2019, counsel for the Trustee stated that the Trustee would agree to the extension if the United States entered a stipulation agreeing to allow a sur-reply to be filed by December 11, 2019. After emails back and forth, in which undersigned counsel would not prematurely stipulate to allow the filing a sur-reply brief, Trustee's counsel stated that he would

not oppose the United States' request for a seven-day extension.

9. Undersigned counsel was out of the office on November 4 and 5, 2019, due to a flare-up of a chronic medical condition that has not yet fully resolved, and seeks a one-week extension to the United States' deadline to file a reply brief in order to be able to prepare and file a reply brief without aggravating her medical condition. The Trustee's counsel does not oppose this requested extension.

10. No prejudice will result from the requested seven-day extension.

WHEREFORE, the United States of America respectfully requests that the Court grant the United States a seven-day extension to file its reply brief in support of its Second Motion for Partial Summary Judgment, thereby extending the deadline from November 18, 2019, until November 25, 2019.

Dated: November 6, 2019

Respectfully submitted,

RICHARD E. ZUCKERMAN
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U.S. Department of Justice, Tax Division

/s/ Lauren E. Hume
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November, 2019, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered CM/ECF participants. There are no parties that require conventional service.

/s/ Lauren E. Hume
LAUREN E. HUME
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United States Department of Justice, Tax Division