Docket #0123 Date Filed: 6/15/2022

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re: TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC., Reorganized Debtors.	Chapter 11 Cases 14-40987-EDK 14-40988-EDK 14-40989-EDK Substantively Consolidated
STEPHEN B. DARR AS HE IS THE TRUSTEE OF THE CHAPTER 11 ESTATES OF EACH OF THE DEBTORS, Plaintiff, v. CARLOS WANZELER, et al., Defendants.	Adversary Proceeding No. 16-04032

MOTION BY PLAINTIFF FOR ENTRY OF DEFAULT JUDGMENT (MARIA EDUARDA WANZELER DE ALMEIDA SOUZA)

The Plaintiff Stephen Darr, Liquidating Trustee ("Trustee") of the substantively consolidated debtors TelexFree LLC, TelexFree Inc., and TelexFree Financial Inc. (collectively, "TelexFree" or the "Debtors") moves pursuant to Federal Rule of Civil Procedure 55(b)(2), as incorporated by Federal Rules of Bankruptcy Procedure ("FRBP") 7055, for entry of default judgment against Defendant Maria Eduarda Wanzeler de Almeida Souza in the principal amount of $18,884 plus interest from the date of entry of judgment at the federal judgment rate until satisfied. The Trustee submits the attached Affidavit in support of the motion. The Trustee further states as follows:

1. The Trustee was appointed Chapter 11 Trustee of TelexFree on or about June 6,

2014.

2. The Trustee commenced this adversary proceeding by filing a Complaint on April 1, 2016.

3. The First Amended Liquidating Plan of Reorganization of Stephen B. Darr, Chapter 11 Trustee of TelexFree ("Plan") was confirmed on July 9, 2020. The Plan became effective on July 14, 2020. The Trustee was appointed Liquidating Trustee under the Plan.

4. Maria Eduarda Wanzeler de Almeida Souza was served with the Complaint on April 25, 2017 [docket no. 50].

5. On August 14, 2018, the Court entered default against Maria Eduarda Wanzeler de Almeida Souza for failure to answer or respond [docket no. 64]. The Trustee served the notice of default upon Maria Eduarda Wanzeler de Almeida Souza on August 21, 2018 [docket no. 67].

6. The Trustee now requests that judgment enter by default against Maria Eduarda Wanzeler de Almeida Souza on Count VIII in the amount of $18,884. In further support of the motion, the Trustee has submitted the Affidavit of Stephen Darr attesting to the amount owed by Maria Eduarda Wanzeler de Almeida Souza, attached as Exhibit A hereto.

7. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), incorporated by FRBP 7041, the Trustee requests that the remaining counts of the Complaint be dismissed, only as to Maria Eduarda Wanzeler de Almeida Souza.

8. Maria Eduarda Wanzeler de Almeida Souza is not an infant or incompetent person or in the military service of the United States.

WHEREFORE, the Plaintiff respectfully requests that the Court:

1. Enter judgment by default, substantially in the form attached hereto as Exhibit B, as a final judgment in this adversary proceeding on Count VIII against the Defendant

Maria Eduarda Wanzeler de Almeida Souza;

2. Dismiss all counts of the Complaint other than Count VIII solely as to Maria Eduarda Wanzeler de Almeida Souza; and

3. Grant to the Plaintiff such other and further relief as this Court deems just and proper in the circumstances.

STEPHEN B. DARR,
CHAPTER 11 TRUSTEE
By counsel,

/s/ Andrew G. Lizotte
Andrew G. Lizotte (BBO #559609)
MURPHY & KING, Professional Corporation
28 State Street, Suite 3101
Boston, MA 02109
Tel: (617) 423-0400
Fax: (617) 556-8985
alizotte@murphyking.com

Dated: June 15, 2022
810302

CERTIFICATE OF SERVICE

I, Andrew G. Lizotte, hereby certify that on June 15, 2022, I sent a copy of the foregoing document electronically through the Court's ECF System upon the registered participants as identified on the Notice of Electronic Filing and by first class mail as follows:

Maria Eduarda Wanzeler de Almeida e Souza
calle publica 14 nume 385,
Industrial DA 888888 Uruguay

Maria Eduarda Wanzeler de Almeida e Souza
Rua Aleixo Neto
1016, Praia Do Canto
Vitoriaies

Maria Eduarda Wanzeler de Almeida e Souza
Rua Academico
Jose Luiz Gabeira 170
Apto 901
Barro Vernelho, Vitoria, ES – CEP 29057-570

Maria Eduarda Wanzeler de Almeida e Souza
Rua Chapot Presvot, 259
Apto 401
Praia Do Canto, Vitoria / ES

/s/ Andrew G. Lizotte
Andrew G. Lizotte

Dated: June 15, 2022

810611

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re: TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC., Reorganized Debtors.	Chapter 11 Cases 14-40987-EDK 14-40988-EDK 14-40989-EDK Substantively Consolidated
STEPHEN B. DARR AS HE IS THE TRUSTEE OF THE CHAPTER 11 ESTATES OF EACH OF THE DEBTORS, Plaintiff, v. CARLOS WANZELER, et al., Defendants.	Adversary Proceeding No. 16-04032

AFFIDAVIT OF STEPHEN B. DARR IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT AS TO MARIA EDUARDA WANZELER DE ALMEIDA SOUZA

I, Stephen B. Darr, being duly sworn, depose and state that:

1. I am the Liquidating Trustee for the substantively consolidated debtors TelexFree LLC, TelexFree Inc., and TelexFree Financial Inc. (collectively, "TelexFree") under the First Amended Liquidating Plan of Reorganization that was confirmed on July 9, 2020 and became effective on July 14, 2020.

2. I am making this affidavit based upon my personal knowledge and the business records of TelexFree.

3. Maria Eduarda Wanzeler de Almeida Souza was a participant in the TelexFree program.

4. The TelexFree business records reflect that Maria Eduarda Wanzeler de Almeida Souza was a Net Winner in the TelexFree program in the amount of $18,884, meaning that Maria Eduarada Wanzeler de Almeida Souza received $18,884 more from her participation in the TelexFree program than she invested.

Attested to this 15th day of June, 2022.

/s/ Stephen B. Darr
Stephen B. Darr
Liquidating Trustee

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re: TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC., Reorganized Debtors.	Chapter 11 Cases 14-40987-EDK 14-40988-EDK 14-40989-EDK Substantively Consolidated
STEPHEN B. DARR AS HE IS THE TRUSTEE OF THE CHAPTER 11 ESTATES OF EACH OF THE DEBTORS, Plaintiff, v. CARLOS WANZELER, et al., Defendants.	Adversary Proceeding No. 16-04032

DEFAULT JUDGMENT

Upon consideration of the *Plaintiff's Motion for Entry of Default Judgment against Maria Eduarda Wanzeler de Almeida Souza* (the "Motion"), Maria Eduarda Wanzeler de Almeida Souza having failed to plead or otherwise defend in this action and default having been entered against Maria Eduarda Wanzeler de Almeida Souza, and due cause appearing to me therefore, and due notice of the Motion having been provided, it is hereby ORDERED and ADJUDGED as follows:

1. The Motion is granted.

2. The Plaintiff Trustee has demonstrated that Defendant Maria Eduarda Wanzeler de Almeida Souza owes Plaintiff the sum of $18,884, that Defendant Maria Eduarda Wanzeler

de Almeida Souza is not an infant or incompetent person or in the military service of the United States.

3. Final Judgment shall be and hereby is entered on this date in favor of Plaintiff Stephen Darr, the Liquidating Trustee of TelexFree, against the Defendant Maria Eduarda Wanzeler de Almeida Souza on Count VIII in the amount of $18,884 plus interest from the date hereunder at the federal judgment rate until the Judgment has been satisfied.

Dated: _____, 2022

_____
Honorable Elizabeth D. Katz
United States Bankruptcy Judge