United States Bankruptcy Court

District of Massachusetts

Darr,

Plaintiff

Wanzeler,

Defendant

Docket #0146 Date Filed: 6/23/2022
Adv. Proc. No. 16-04032-edk

CERTIFICATE OF NOTICE

District/off: 0101-4 User: admin

Date Rcvd: Jun 21, 2022 Form ID: pdf012 Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 23, 2022:

Recip ID		Recipient Name and Address
dft	+	James Merrill, One Coburn Drive, Ashland, MA 01721-3000

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID		Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+	Email/Text: USTPRegion01.WO.ECF@usdoj.gov	Jun 22 2022 00:17:14	Richard King, Office of US. Trustee, 446 Main Street, 14th Floor, Worcester, MA 01608-2361

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, 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: Jun 23, 2022 Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 21, 2022 at the address(es) listed below:

Name	Email Address
Andrew G. Lizotte	on behalf of Plaintiff Stephen Darr agl@murphyking.com bankruptcy@murphyking.com;tlombardi@murphyking.com;ddk@murphyking.com;agl@murphyking.com;ecf-72a6723957cc@ecf.pacerpro.com;imccormack@murphyking.com
Ilyas J. Rona	on behalf of Defendant Fabio Faria ijr@mrdklaw.com gnc@mrdklaw.com,kae@mrdklaw.com
Paul V. Kelly	on behalf of Defendant Lyvia Mara Campista Wanzeler paul.kelly@jacksonlewis.com

Paul V. Kelly
on behalf of Defendant Ana Costa paul.kelly@jacksonlewis.com

Paul V. Kelly
on behalf of Defendant Fabio Wanzeler paul.kelly@jacksonlewis.com

Paul V. Kelly
on behalf of Defendant Febe Wanzeler de Almeida e Souza paul.kelly@jacksonlewis.com

Paul V. Kelly
on behalf of Defendant Carlos Wanzeler paul.kelly@jacksonlewis.com

Paul V. Kelly
on behalf of Defendant Drucila Wanzeler paul.kelly@jacksonlewis.com

Paul V. Kelly
on behalf of Defendant Priscila Freitas Costa paul.kelly@jacksonlewis.com

TOTAL: 9

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:	)	Chapter 11
	)	Case No. 14-40987-EDK
TELEXFREE, LLC,	)	
	)	
Debtor	)	
	)	
STEPHEN DARR,	)	Adversary Proceeding
Chapter 11 Trustee,	)	No. 16-4032
	)	
Plaintiff	)	
v.	)	
	)	
CARLOS WANZELER, *et al.,*	)	
	)	
Defendants	)	

SCHEDULING AND PRETRIAL ORDER

1. **A FURTHER PRETRIAL HEARING WITH REGARD TO DEFENDANT JAMES MERRILL IS SCHEDULED FOR November 4, 2022 at 10:00 a.m.** The continued pretrial hearing will be conducted by Zoom video conference. Parties may participate by following the link/dial-in information below.

   To participate by video:

   https://www.zoomgov.com/j/1611327560?pwd=VWN1eDRteUlRUHh4N1BkeTBGYUpJQT09

   Meeting ID: 161 132 7560
   Passcode: 072139

   To participate by phone:

   +1 669 254 5252

   Meeting ID: 161 132 7560
   Passcode: 072139

2. **Unless otherwise ordered, the parties shall comply with all obligations and deadlines set forth herein.**

3. **Cooperation.** The parties and counsel must cooperate during all aspects of discovery. Failure by any party or counsel to make required disclosures or cooperate in discovery may warrant the imposition of sanctions under Fed. R. Civ. P. 37.

4. **Rule 26(f) Discovery Conference.** The parties are ordered to confer as soon as possible pursuant to Fed. R. Civ. P. 26, but no later than 21 days from the date of this Order.

5. **Rule 26(f) Discovery Conference Certification and Written Report. Within 14 days of the Rule 26(f) conference, the parties shall file a written report containing:**

    a. A certification that the Rule 26(f) conference has taken place.

    b. A proposed discovery plan that addresses all topics set forth in Fed. R. Civ. P. 26(f)(3) and, if applicable, contains protocols for the discovery or disclosure of electronically stored information.

    c. A statement that the parties have complied with the automatic disclosure provisions of Fed. R. Civ. P. 26(a)(1) and (2) *or* an explanation of why the parties have not complied and a description of the actions the parties are taking to comply.

    d. In the event any party anticipates the disclosure or discovery of electronically stored information,

        i. a certification that the parties have conferred regarding:

            1. the nature and extent of the contemplated electronically stored information discovery;

            2. any issues involving the preservation, disclosure, discovery, or presentation of electronically stored information, including the form (or forms) in which the electronically stored information will be provided;

            3. the various sources of electronically stored information within a party's control;

            4. the characteristics of the parties' information systems that may contain relevant electronically stored information, including, if appropriate, the identity of individuals with special knowledge of a party's computer systems; and

            5. whether either party has relevant electronically stored information that the party contends is not reasonably accessible pursuant to Fed. R. Civ. P. 26(b)(2)(B); and

ii. if either party contends that relevant information is not reasonably accessible pursuant to Fed. R Civ. P. 26(b)(2)(B), the estimated burden or costs of retrieving and reviewing that information.

e. A statement regarding the Court's authority to enter a final order as to each matter in dispute.

f. A statement as to whether each party consents to the entry of a final order by this Court as to each matter in dispute.

g. An estimated length of trial.

h. In the event any party has demanded a jury trial, a statement identifying:

i. the specific matters to which the jury demand applies;

ii. the legal basis for the right to a jury trial; and

iii. whether all parties consent to this Court conducting a jury trial.

6. **Completion of Discovery. Discovery must be completed by September 15, 2022**, unless otherwise ordered by the Court upon motion or after consideration of the discovery plan.

7. **Expert Witness Disclosures.** Disclosures under Fed. R. Civ. P. 26(a)(2), including the disclosure of the expert witness written report required by Fed. R. Civ. P. 26(a)(2)(B), must be completed within 60 days from the date of this order, unless otherwise ordered by the Court upon motion or after consideration of the discovery plan.

8. **Discovery-Related Disputes and Motions.** No discovery motion may be filed unless the moving party (1) has attempted in good faith, but without success, to resolve the dispute; and (2) pursuant to Fed. R. Civ. P. 16(b)(3)(B)(v), has requested a pre-motion conference with the Court.

a. The request must be made by filing a one-page written request with the Court that contains only a general summary of the issues to be discussed. Any request for a pre-motion conference shall not contain argument. No response to the request should be filed unless directed by the Court. If the Court does not grant the request for a pre-motion conference, or if the conference fails to resolve the dispute, a discovery motion may then be filed.

9. **Dispositive Motions. The deadline for filing dispositive motions is 30 days after the discovery deadline, or any later deadline the Court may impose upon motion.**

a. **Opposition/Response to Dispositive Motions. The deadline for filing an opposition, response, or cross-motion to any Dispositive Motion will be 21 days after the filing of the Dispositive Motion,** or any later deadline the Court may impose upon motion.

10. **Failure to Comply with this Order.** This Order and the deadlines set by the Court may not be modified absent further Court order. Failure to comply with the provisions of this Order may, pursuant to Fed. R. Civ. P. 16 and 37, result in sanctions, including the entry of a dismissal or default, exclusion of evidence or testimony, or monetary sanctions.

Elizabeth D. Katz 6/21/2022
Elizabeth D. Katz Dated
United States Bankruptcy Judge