Docket #0595 Date Filed: 7/27/2023

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, TRUSTEE OF THE ESTATES OF TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC., Plaintiff, v. FRANZ BALAN, A REPRESENTATIVE OF A CLASS OF DEFENDANT NET WINNERS, Defendants.	Adversary Proceeding No. 16-4006
STEPHEN B. DARR AS TRUSTEE OF THE ESTATES OF TELEXFREE, LLC, TELEXFREE, INC. and TELEXFREE FINANCIAL, INC., Plaintiff, v. MARCO PUZZARINI AND SANDRO PAULO FREITAS, REPRESENTATIVES OF A CLASS OF DEFENDANT NET WINNERS, Defendants.	Adversary Proceeding No. 16-4007

ASSENTED TO MOTION BY LIQUIDATING TRUSTEE TO APPROVE SCHEDULING ORDER PERTAINING TO: (I) DAUBERT MOTION; (II) SUMMARY JUDGMENT MOTION; AND (III) MOTION TO DISMISS

Stephen Darr, the liquidating trustee under the confirmed liquidating plan of reorganization (the "Trustee") of TelexFree LLC, TelexFree, Inc., and TelexFree Financial, Inc. ("TelexFree" or the "Debtors"), respectfully requests, with the assent of the Defendants, that the Court enter a scheduling order with respect to the following:

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(i) *Domestic & International Class Representatives' Motion to Exclude Testimony of Dr. Cameron E. Freer as Inadmissible under Daubert* (the "Daubert Motion");

(ii) *Domestic & International Class Representatives' Motion for Summary Judgment* ("Summary Judgment Motion"); and

(iii) *Non-Party Fabio Faria's Motion to Dismiss* ("Faria Dismissal Motion" and, together with the Daubert Motion and the Summary Judgment Motion, the "Motions").

1. On July 21, 2023, the Class Representatives filed the Daubert Motion and the Summary Judgment Motion. At the same time, Fabio Faria, an alleged unnamed defendant in these class action proceedings (who is represented by the same counsel as is representing the class defendants) filed the Motion to Dismiss the case as to him individually.

2. Pursuant to the *Order Regarding Remaining "Phase I" Schedule* [A.P. No. 16-4006, docket no. 433 – the "Scheduling Order"], if a Daubert motion or related disposition motion was filed, the Court would enter a separate scheduling order with a pretrial memorandum deadline and trial date.

3. The parties have conferred and propose that the Court enter a scheduling order consistent with the following:

(i) Oppositions to the Motions shall be filed on or before September 1, 2023;

(ii) The Parties shall submit a joint pretrial memorandum with respect to the Daubert Motion and the Summary Judgment Motion on or before September 22, 2023;

(iii) The Parties request that the Court schedule a combined evidentiary hearing on the Daubert Motion and the Summary Judgment Motion at the convenience of the Court. The Parties estimate two to three days will be needed for the combined evidentiary hearing;

(iv) The Parties request that the Court separately schedule a non-evidentiary hearing on the Faria Dismissal Motion on or after September 5, 2023 at the convenience of the Court.

4. The schedule proposed herein will further the orderly determination of disputes among the parties.

Wherefore, the Trustee prays that the Court:

1. Enter a scheduling order consistent with the terms herein; and
2. Grant such other relief as is just and proper.

STEPHEN B. DARR AS TRUSTEE
OF THE CHAPTER 11 ESTATES OF
TELEXFREE, LLC, TELEXFREE, INC.
AND TELEXFREE FINANCIAL, INC.
By his counsel,

/s/ Andrew G. Lizotte
Andrew G. Lizotte (BBO #559609)
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Date: July 27, 2023

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CERTIFICATE OF SERVICE

I, Andrew G. Lizotte, hereby certify that on July 27, 2023, I caused a copy of the above *Assented to Motion by Liquidating Trustee to Approve Scheduling Order Pertaining to: (I) Daubert Motion; (II) Summary Judgment Motion; and (III) Motion to Dismiss* to be served electronically via ECF to all registered parties.

/s/ Andrew G. Lizotte
Andrew G. Lizotte (BBO #559609)