Docket #0611 Date Filed: 9/12/2023

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

AMENDED MOTION FOR IMPOUNDMENT OF EXHIBIT WITH RESPECT TO THE AFFIDAVIT OF JEAN LOUIS SORONDO IN SUPPORT OF OPPOSITION BY TRUSTEE TO DOMESTIC & INTERNATIONAL CLASS REPRESENTATIVES' MOTION FOR SUMMARY JUDGMENT AND CROSS-MOTION BY TRUSTEE FOR SUMMARY JUDGMENT

Pursuant to Section 107 of Chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), Federal Rule of Bankruptcy Procedure 9018 and MLBR 9018-1, Stephen

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B. Darr, the Liquidating Trustee ("Trustee") under the confirmed plan of reorganization of TelexFree LLC, TelexFree Inc., and TelexFree Financial Inc. (collectively, "TelexFree" or the "Debtor"), respectfully moves this Court for entry of an order authorizing the impoundment of an exhibit (the "Exhibit A") to the *Affidavit of Jean Louis Sorondo in Support of Opposition by Trustee to Domestic & International Class Representatives' Motion for Summary Judgment and Cross-Motion for Summary Judgment* (the "Sorondo Affidavit"). As grounds for this request, the Trustee states as follows:

1. On September 11, 2023, the Trustee filed his *Opposition by Trustee to Domestic & International Class Representatives' Motion for Summary Judgment and Cross-Motion for Summary Judgment*, along with the Sorondo Affidavit and other related pleadings.

2. The exhibits to the Sorondo Affidavit include the following:

(i) Exhibit A – a listing of the 81,681 alleged defendant Net Winners which are the subject of this class action litigation;

(ii) Exhibit B – a subset of Exhibit A, consisting of approximately 9,000 alleged defendant Net Winners; and

(iii) Exhibit C- randomly selected transaction activity for four alleged defendant Net Winners.

3. Exhibit A contains potentially personal identifying information of Participants, including tax identification numbers, home phone numbers, and cell phone numbers.

4. Throughout the case, the Trustee has made efforts to minimize the mass dissemination of personal identifying information of Participants where practicable. Consistent with these efforts, the Trustee requests authority to submit Exhibit A to the Court under seal, subject

to a later determination of the Court as to whether all or some portion of Exhibit A should be docketed.

RELIEF REQUESTED

5. Pursuant to MLBR 9018-1, "[f]or good and sufficient cause the court may order that some or all of the papers in a case… be impounded by the Clerk. Documents impounded shall be maintained by the Clerk separate and apart from files to which the public has access." MLBR 9018-1(a).

6. Approval of the motion will provide the Court and the Class Represenstatives[1] with complete access to the exhibits while at the same time minimizing the dissemination of personal identifying information of Participants in TelexFree.

7. Based upon the foregoing, good and sufficient cause exists to impound Exhibit A under MLBR 9018-1(a).

8. The Trustee requests that Exhibit A be kept under seal by the Court so that the information will not become part of the public record.

9. The Trustee requests that any impoundment order remain in effect until the case has been closed, at which time Exhibit A may be returned to the Trustee, or as otherwise ordered by the Court. The Trustee further requests that, other than the Trustee and his professionals, only the Class Representatives and their professionals have access to Exhibit A.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order:

(a) authorizing the impoundment of Exhibit A, which has been sent to the Court separately, upon the terms provided herein until further order of Court; and

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[1] Terms not otherwise defined herein shall have the meaning set forth in the *Opposition by Trustee to Domestic & International Class Representatives' Motion for Summary Judgment and Cross-Motion by Trustee for Summary Judgment.*

(b) granting such other and further relief as the Court deems just and proper in the circumstances.

Respectfully submitted,

STEPHEN B. DARR, LIQUIDATING TRUSTEE,
By his counsel:

Dated: September 12, 2023

/s/ Andrew G. Lizotte
Andrew G. Lizotte (BBO #559609)
MURPHY & KING,
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I declare under penalty of perjury that the statements made in paragraph 4 herein are true and accurate and that the movant has submitted separately, under seal, a copy of Exhibit A, as defined in the Motion.

Dated: September 12, 2023

/s/ Andrew G. Lizotte
Andrew G. Lizotte

EXHIBITS A
Filed under Seal pursuant to MLBR 9018

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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

CERTIFICATE OF SERVICE

I, Andrew G. Lizotte, hereby certify that on September 12, 2023, I caused a copy of the following document to be served electronically through the Court's ECF System upon the registered participants as identified on the Notice of Electronic Filing:

AMENDED MOTION FOR IMPOUNDMENT OF EXHIBIT WITH RESPECT TO THE AFFIDAVIT OF JEAN LOUIS SORONDO IN SUPPORT OF OPPOSITION BY TRUSTEE TO DOMESTIC & INTERNATIONAL CLASS REPRESENTATIVES' MOTION FOR SUMMARY JUDGMENT AND CROSS-MOTION BY TRUSTEE FOR SUMMARY JUDGMENT

Dated: September 12, 2023

/s/ Andrew G. Lizotte
Andrew G. Lizotte (BBO #559609)
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UNITED STATES BANKRUPTCY COURT
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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

ORDER ON AMENDED MOTION FOR IMPOUNDMENT OF EXHIBIT WITH RESPECT TO THE AFFIDAVIT OF JEAN LOUIS SORONDO IN SUPPORT OF OPPOSITION BY TRUSTEE TO DOMESTIC & INTERNATIONAL CLASS REPRESENTATIVES' MOTION FOR SUMMARY JUDGMENT AND CROSS-MOTION BY TRUSTEE FOR SUMMARY JUDGMENT

A motion having come before the Court by Stephen B. Darr, the Liquidating Trustee ("Trustee") under the confirmed plan of reorganization of TelexFree LLC, TelexFree Inc., and TelexFree Financial Inc. (collectively, "TelexFree" or the "Debtor"), requesting authority to

impound Exhibit A to the *Affidavit of Jean Louis Sorondo in Support of Opposition by Trustee to Domestic & International Class Representatives' Motion for Summary Judgment and Cross-Motion for Summary Judgment* (the "Sorondo Affidavit"), pursuant to Section 107 of Chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"), Federal Rule of Bankruptcy Procedure 9018 and MLBR 9018-1, and due cause appearing therefore, it is hereby ORDERED that

1. Exhibit A to the Sorondo Affidavit is hereby impounded.

2. The only parties that shall have access to Exhibit A, other than the Trustee and his professionals, shall be the Class Representatives and their professionals.

3. This order shall remain in effect until the case has been closed, at which time Exhibit A may be returned to the Trustee, or as otherwise ordered by the Court.

Dated: September ___, 2023

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Hon. Elizabeth D. Katz
Chief United States Bankruptcy Judge

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