Docket #0656 Date Filed: 5/8/2024

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

TRUSTEE'S OBJECTIONS TO DEFENDANTS' PROPOSED EXHIBITS

Pursuant to the March 8, 2024, Final Pretrial Order in the above-referenced Adversary Proceedings [docket no. 506 in A.P. 16-4006], 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") asserts the following objections to the admissibility of Defendants' proposed exhibits.

To the extent not previously admitted, the Trustee repeats his objections to Defendants' previously proposed exhibits that were objected to in connection with the October 2023 Daubert Hearing. The grounds for each objection are set forth in the chart below:

Ex. No.	**Exhibit Description**	**Trustee's Previous Objections**
D-001	Rebuttal Expert Report Joshua W. Dennis, and all exhibits to the report (July 31, 2020)	
D-002	Supplemental Rebuttal Expert Report Joshua W. Dennis, and all exhibits to the report (April 14, 2023)	
D-003	Affidavit of Frantz Balan dated July 30, 2020	Objection - Hearsay; Relevance
D-004	Affidavit of Lusette Balan dated July 29, 2020	Objection - Hearsay; Relevance
D-005	Affidavit of Ilyas J. Rona dated (ECF No. 443)	Objection - Hearsay; Relevance
D-006	Stipulation Respecting the Amended Fee Arrangement for Defendants dated January 4, 2022	
D-007	Email string Cameron Freer and Andrew Lizotte dated November 2-3, 2021 - BC002512-18	
D-008	SIG account data for Rosmery Torrico	Objection – See motion [A.P. No. 16-4006, Doc 482]; Relevance
D-009	EPOC data for Rosmery Torrico	Objection – See motion [A.P. No. 16-4006, Doc 482]; Relevance
D-010	SIG account data for Ella Maria Reid	Objection – See motion [A.P. No. 16-4006, Doc 482]; Relevance
D-011	EPOC data for Ella Maria Reid	Objection – See motion [A.P. No. 16-4006, Doc 482]; Relevance

Ex. No.	Exhibit Description	Trustee's Previous Objections
D-012	SIG account data for Benjamin Argueta	Objection – See motion [A.P. No. 16-4006, Doc 482]; Relevance
D-013	SIG account data Amilcar Lopez	Objection – See motion [A.P. No. 16-4006, Doc 482]; Relevance
D-014	Lopesa Services Advertisement appearing in La Planeta (4/12/2012)	Objection – Hearsay; Foundation
D-015	Omitted	
D-016	Exhibit 1 to Freer Deposition - Curriculum Vitae of Cameron Freer	
D-017	Exhibit 3 to Freer Deposition - E-mail Chain, Sorondo to Freer, 7/10/21	
D-018	Exhibit 4 to Freer Deposition - E-mail Chain, Sorondo to·Freer, 7/18/21	
D-019	Exhibit 5 to Freer Deposition - E-mail Chain, Sorondo to·Freer, 7/13/21	
D-020	Exhibit 6 to Freer Deposition - E-mail Chain, Freer to·Sorondo, 7/13/21	
D-021	Exhibit 7· to Freer Deposition - E-mail Chain, Sorondo to Freer, 7/14/21	
D-022	Exhibit 8 to Freer Deposition - E-Mail Chain, Lizotte to Freer, 11/3/21	
D-023	Exhibit 9 to Freer Deposition - E-mail Chain, Lizotte to Freer, 11/3/21	
D-024	Transcript of Video Evidentiary Hearings: Determining the Admissibility and Presumptive Effect of the Aggregation Methodology in Determining Net Winners before The Honorable Melvin S. Hoffman, J.U.S.B.C. (Volume 1 - 11/23/2020)	Objection – Court may take judicial notice
D-025	Transcript of Video Evidentiary Hearings: Determining the Admissibility and Presumptive Effect of the Aggregation Methodology in Determining Net Winners before The Honorable Melvin S. Hoffman, J.U.S.B.C. (Volume 2- 11/24/2020)	Objection – Court may take judicial notice
D-026	Memorandum of Decision on Class Defendants'Motion to Exclude Expert Witness Testimony of Timothy Martin	
D-027	Curriculum Vitae of Joshua W. Dennis	
D-028	List of Documents Considered by Joshua W. Dennis	
D-029	User Accounts and Participants by Entity and Type	

Ex. No.	**Exhibit Description**	**Trustee's Previous Objections**
D-030	Summary of TelexFree Net Equity by Tier and Transaction Type	
D-031	Summary of TelexFree User Accounts and Participants by Tier	
D-032	Summary of TelexFree Top Net Losers Matched to Net Winners	
D-033	Top 100 TelexFree Net Losers	
D-034	Top 100 TelexFree Net Winners	
D-035	Top Net Loser and Matched Net Winner User Account Detail	
D-036	Frantz Balan & Lusette Balan User Account Detail	
D-037	Alphabet User Account Detail	
D-038	Billybob Arbonne User Account Detail	
D-039	Lopes & Carreiro User Account Detail	
D-040	Zaglia & Ragolia User Account Detail	
D-041	Rejane & Paulo Marinho User Account Detail	
D-042	Maria Neves User Account Detail	
D-043	Sann Devaconcelos User Account Detail	
D-044	Oscar Sosa User Account Detail	
D-045	Claimed Account Aggregations	
D-046	Example Credit Transfer Detail	
D-047	Brandon Zagarella affidavit dated 10/25/2020	Objection - Hearsay; Relevance
D-048	Newly Omitted	
D-049	Omitted	
D-050	Omitted	
D-051	Omitted	

Ex. No.	Exhibit Description	Trustee's Previous Objections
D-052	Peter Christen, Data Matching (2012)	
D-053	SIG account data for Dani Goes	Objection – See motion [A.P. No. 16-4006, Doc 482]; Relevance
D-054	Omitted	
D-055-D-085	Additional Dennis Exhibits	Objection – See motion [A.P. No. 16-4006, Doc 482]; Relevance
D-086	Dennis VOIP Chart.pdf	
D-087	433_Balan New Scheduling Order 2.28.23.pdf	Objection - Relevance
D-088	PROPAY0001079-80.pdf	Objection - Relevance
D-089	Rosmery Torrico, 01-19-2023 full.pdf	Objection - Relevance
D-090	TelexFREE Training - How To Register [LOIXSSyExTk].mp4	Objection - Relevance
D-091	How To Sign Up A Customer In Telex ENGLISH [sMX0Ju-Trxg].mp4	Objection - Relevance
D-092	TelexFREE Training - How To Log Into Your Customer Back Office [Ftw3k2KpA_s].mp4	Objection - Relevance

Additionally, the Trustee objects to Defendants' proposed exhibits **D-93** through **D-100** on the grounds set forth in the chart below:

Ex. No.	Exhibit Description	Trustee's Previous Objections	Trustee's Objections
D-093	SIG account data for Cluster ID 521747	n/a - newly proposed	Objection - Foundation; Relevance; Hearsay; Authentication
D-094	SIG account data for Cluster ID 104205	n/a - newly proposed	Objection - Foundation; Relevance; Hearsay; Authentication
D-095	SIG account data for Cluster ID 178992	n/a - newly proposed	Objection - Foundation; Relevance; Hearsay; Authentication
D-096	SIG account data for Cluster ID 256429	n/a - newly proposed	Objection - Foundation; Relevance; Hearsay; Authentication

D-097	SIG account data for Cluster ID 4005896	n/a - newly proposed	Objection - Foundation; Relevance; Hearsay; Authentication
D-098	SIG account data for Graca Luisa	n/a - newly proposed	Objection - Foundation; Relevance; Hearsay; Authentication
D-099	SIG account data for Cluster ID 6270770	n/a - newly proposed	Objection - Foundation; Relevance; Hearsay; Authentication
D-100	SIG account data for Cluster ID 4545010	n/a - newly proposed	Objection - Foundation; Relevance; Hearsay; Authentication

Dated: May 8, 2024

STEPHEN DARR,
LIQUIDATING TRUSTEE,

By his counsel:

/s/ Andrew G. Lizotte

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CERTIFICATE OF SERVICE

I, Andrew G. Lizotte, hereby certify that on May 8, 2024, a copy of this document was served by operation of the Court's ECF System upon the registered participants as identified on the Notice of Electronic Filing.

Date: May 8, 2024

/s/ Andrew G. Lizotte

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