

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re

TELEXFREE, LLC,

Debtor,

Chapter 11

Case No. 14-40987 MSH

WALDEMARA MARTIN AND LEANDRO
VALENTIM – Putative Claims
Representatives and Those
Similarly Situated
Plaintiffs,

Adversary Proceeding
No. 14-04044 MSH

v.

TELEXFREE, LLC, et. al.

Defendants.

**STIPULATION EXTENDING TIME TO FILE
AND SERVE ANSWER OR OTHER RESPONSE**

WHEREAS, on May 3, 2014, Waldemara Martin and Leandro Valentim – Putative Claims Representatives And Those Similarly Situated (“Plaintiffs”) filed the Complaint (the “Complaint”) initiating this Adversary Proceeding in the U.S. Bankruptcy Court for the District of Nevada.

WHEREAS, on May 9, 2014, this action was transferred to the U.S. Bankruptcy Court for the District of Massachusetts; and,

WHEREAS, on May 5, 2014 Plaintiffs filed a Motion to Withdraw Reference seeking to refer this Adversary Proceeding to the District Court overseeing the above captioned bankruptcy (the “Reference Motion”); and,



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WHEREAS, on June 3, 2014, alias summonses (the “Summons”) were issued to Defendant Citizens Financial Group, Inc. and to Defendant Citizens Bank of Massachusetts (now Citizens Bank N.A.) (collectively “Citizens”) in this action; and,

WHEREAS, on June 16, 2014, Plaintiffs filed certificates of service, affirming that service of the Summons and Complaint on Citizens was completed by certified mail on June 7, 2014; and

WHEREAS, on July 1, 2014, A Motion for Transfer and Consolidation of six related actions, including this action, pursuant to 28 U.S.C. § 1407 was filed with the Judicial Panel on Multidistrict Litigation (the “MDL Motion”); and

WHEREAS, on July 7, 2014, the Court granted Citizens an extension of time to answer or otherwise respond to the Complaint in this matter until the latter of August 11, 2014 and 10 days after the resolution of the Reference Motion.

WHEREAS, Citizens and Plaintiffs have agreed that it is in their interests, and the interests of judicial economy, to allow an further extension, so that the parties can negotiate an appropriate schedule for responsive pleadings and motion to dismiss briefing with full knowledge of the outcome of the MDL Motion.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the Plaintiffs and Citizens that Citizens’ time to file an answer or otherwise respond to the Complaint shall be extended through:

- if the MDL Motion is granted with regards to this proceeding, a date 45 days after the filing of a consolidated amended complaint by the Plaintiffs, and

- if the MDL Motion is denied with regards to this proceeding, a date 30 days after the resolution of the MDL Motion;

or such later date as the Court may order or the parties may agree. On no account however, shall Citizen's answer or other response be due sooner than 10 days after the Reference Motion is resolved or deemed moot by the Court.

IT IS FURTHER HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the Plaintiffs and Citizens that the Summons and Complaint have been served on Citizens in a manner so as to constitute good and sufficient service of said papers. However, nothing herein shall be interpreted as a waiver by Citizens of any defenses, objections or claims relating to the Summons and Complaint or the claims asserted therein except as regards the manner in which the Summons and Complaint were served, all such defenses, objections and claims being expressly reserved.

Dated: August 21, 2014

/s/ Robert J. Bonsignore*
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Attorneys for Plaintiffs Waldemara Martin and Leandro Valentim – Putative Claims Representatives And Those Similarly Situated

* Executed pursuant to Electronic Filing Rule 8(b)(2).

Dated: August 22, 2014

/s/ Jason C. Weida

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*Attorneys for Defendants Citizens Financial Group, Inc. and
Citizens Bank of Massachusetts (now Citizens Bank N.A.)*

SO ORDERED:

Dated: August __, 2014

Hon. Melvin S. Hoffman
U.S. Bankruptcy Judge