

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

In re:

TELEXFREE, LLC,  
TELEXFREE, INC. and  
TELEXFREE FINANCIAL, INC.,

Debtors.

Chapter 11 Cases

14-40987-MSH  
14-40988-MSH  
14-40989-MSH

Jointly Administered

STEPHEN DARR, AS HE IS THE TRUSTEE  
OF THE CHAPTER 11 ESTATES OF EACH  
OF THE DEBTORS,

Plaintiff,

Adversary Proceeding  
No. 16-4026

v.

ADVENT COMMUNICATIONS  
CORPORATION,

Defendant.

**RULE 26(f) CERTIFICATION AND DISCOVERY PLAN**

Pursuant to Fed. R. Civ. P. 26(f), Fed. R. Bankr. P. 7026, and M.L.B.R. 7016, Stephen Darr, as he is Trustee of the Chapter 11 Estates of TelexFree, LLC, TelexFree, Inc. and TelexFree Financial, Inc. (the “Trustee”), and the Defendant Advent Communications Corporation (the “Defendant”), and in accordance with this Court’s Order directing the parties to file a joint discovery report and proposed plan [Docket No. 10], hereby submit the following:

**1. Initial Disclosures.**

The parties agree and stipulate that the required initial disclosures shall be exchanged no later than June 10, 2016.

**2. Discovery.**



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a. Written Discovery

The Defendant has agreed to provide voluntary written discovery, in an effort to narrow or resolve the issues in the case, on or before June 20, 2016.

All written discovery, including answers to Interrogatories and Request for Production of Documents, shall be served so that all responses will be due on or before August 31, 2016. The parties agree that the time for responding to Requests for Production of Documents and Interrogatories is shortened to twenty-five (25) days from the date of service if service is made by e-mail.

b. Depositions

All depositions other than depositions of experts shall be noticed and completed by September 30, 2016.

**3. Experts.**

a. Reports

If the parties intend to offer an expert, an expert report shall be provided prior to October 31, 2016.

b. Depositions of Experts

If an expert is timely designated and a report timely provided, all depositions of experts shall be noticed and completed by November 30, 2016.

**4. Dispositive Motions.**

The parties may serve dispositive motions at any time prior to October 15, 2016. If a dispositive motion is filed, the opposing party shall have twenty (20) days to respond and the moving party shall have ten (10) days to reply.

**5. Joint Pre-Trial Memorandum.**

The parties shall submit a joint pre-trial memorandum on or before October 31, 2016, unless dispositive motions have been filed, in which case the parties shall submit a joint pre-trial memorandum fourteen (14) days following the Court's ruling on the dispositive motions to the extent that issues remain for trial thereafter.

**6. Length of Trial**

The Plaintiff has estimated a trial to take not more than one day. The Defendant has estimated trial time to be two days.

**7. Certificate of Conference.**

The parties conducted their initial Rule 26(f) conference on May 20, 2016.

**ADVENT COMMUNICATIONS  
CORPORATION,**

By their counsel,

/s/ John Diamond (by permission)  
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John Diamond  
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**STEPHEN B. DARR AS TRUSTEE  
OF THE CHAPTER 11 ESTATES OF  
TELEXFREE, LLC, TELEXFREE, INC.  
AND TELEXFREE FINANCIAL, INC.**

By his counsel,  
MURPHY & KING  
PROFESSIONAL CORPORATION

/s/ Andrew G. Lizotte  
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Andrew G. Lizotte (BBO #559609)  
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Dated: June 3, 2016  
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