

**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.

PLAINTIFF'S RULE 26(A) INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, made applicable to this adversary proceeding (the "Adversary Proceeding") by Rule 7026 of the Federal Rules of Bankruptcy Procedure, the Plaintiff Stephen B. Darr as he is the Trustee of the Chapter 11 Estates of Telexfree, LLC, Telexfree, Inc., and Telexfree Financial, Inc. ("Trustee"), hereby makes the following initial disclosures:

RESERVATIONS

1. The disclosure is based upon information reasonably available to the Trustee as of this date. Continuing investigation and discovery may reveal additional information. The Trustee reserves the right to supplement this disclosure to the extent necessary to correct



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anything that is materially incorrect in these initial disclosures. The Trustee reserves the right to clarify, amend, modify or supplement the information contained in this disclosure if and when the Trustee obtains additional information and/or as required by the Federal Rules of Civil Procedure.

2. In making this disclosure, the Trustee makes no representation that any particular document is within their possession, custody and/or control.

3. The disclosure is made without waiver of any objections the Trustee may have and the Trustee expressly reserves all objections including, without limitation, objections on the grounds of relevance, attorney-client privilege, the work-product doctrine, any other applicable privilege under applicable law, undue burden, immateriality and/or over-breadth.

4. The Trustee reserves the right to identify and call as witnesses persons other than the persons listed below if the Trustee learns that additional persons possess relevant knowledge.

5. This disclosure is made subject to and without limiting any of the foregoing reservations.

DISCLOSURES

- A. The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.**

In addition to the named Defendant, the Trustee believes the following individuals may have discoverable information:

<u>Name</u>	<u>Address and Telephone</u>	<u>Subject of Information</u>
Stephen B. Darr	Huron Consulting Group c/o Murphy & King P.C. One Beacon Street Boston, Massachusetts 02108	Investigation into the Debtors' business and dealings with Advent.
Timothy Martin	Huron Consulting Group c/o Murphy & King P.C. One Beacon Street Boston, Massachusetts 02108	Knowledge regarding the operation of the Debtors' books and records and records of transactions with Advent.
David McCormack	Huron Consulting Group c/o Murphy & King P.C. One Beacon Street Boston, Massachusetts 02108	Knowledge regarding the operation of the Debtors' books and records and records of transactions with Advent.

- B. A copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.**

- Records of invoices from Advent to the Debtors
- Records of payments made by the Debtors to Advent

- C. A computation of each category of damages claimed by the disclosing party.**

The Trustee seeks recovery of amounts paid to Advent within 90 days of the petition date, all as set forth in the Complaint.

- D. Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for payments made to satisfy the judgment.**

Based on current information, the Trustee is not aware of any insurance that may be available to satisfy any settlement or judgment entered in this Adversary Proceeding.

**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
Charles R. Bennett, Jr. (BBO #037380)
Andrew G. Lizotte (BBO #559609)
Murphy & King Professional Corporation
One Beacon Street
Boston, Massachusetts 02108
(617) 423-0400
CBennett@murphyking.com
ALizotte@murphyking.com

Dated: June 10, 2016
710445

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CERTIFICATE OF SERVICE

I, Andrew G. Lizotte, hereby certify that I have this day, caused to be served a copy of the *Plaintiff's Rule 26(A) Initial Disclosures* by this Court's CM/ECF System and/or by First Class Mail, postage prepaid to the following:

Advent Communications Corporation
c/o John Diamond, Esq.
Vernon C. Jolley, Esq.
Jolley & Jolley
37 West 9000 Sought
Sandy, UT 84070

/s/ Andrew G. Lizotte
Andrew G. Lizotte (BBO #559609)
Murphy & King Professional Corporation
One Beacon Street
Boston, Massachusetts 02108
(617) 423-0400
ALizotte@murphyking.com

DATED: June 10, 2016
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