

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

_____)	Chapter 11 Cases
In re)	
)	14-40987-MSH
TELEXFREE, LLC)	14-40988-MSH
TELEXFREE, INC. and)	14-40989-MSH
TELEXFREE FINANCIAL, INC.)	
)	Jointly Administered
Debtors.)	
_____)	
STEPHEN B. DARR,)	
CHAPTER 11 TRUSTEE OF)	
EACH OF THE DEBTORS,)	Adversary Proceeding
)	No. 16-04033
Plaintiff,)	
)	
v.)	
)	
INFINIUM WIRELESS, LLC)	
)	
Defendant.)	
)	
_____)	

**FIFTH MOTION BY DEFENDANT INFINIUM WIRELESS, LLC FOR EXTENSION
OF TIME TO ANSWER OR OTHERWISE MOVE AS TO THE COMPLAINT**

[UNOPPOSED]

Defendant Infinium Wireless, LLC ("Infinium") hereby respectfully moves the Court, on an unopposed basis, to grant Infinium an extension of the time within which it is to file an answer or otherwise move as to the *Complaint* [ECF No. 1]. In support of this motion, Infinium respectfully states as follows:

1. Infinium was named as a defendant in the *Complaint*.
2. The *Summons* [ECF No. 2] set an answer deadline of May 5, 2016.

3. On May 3, 2016, Infinium filed its first motion requesting an extension of time to answer or otherwise move as to the *Complaint*. The Court granted the motion and extended the answer deadline to June 6, 2016.

4. On June 3, 2016, Infinium filed its second motion requesting an extension of time to answer or otherwise move as to the *Complaint*. The Court granted the motion and extended the answer deadline to June 27, 2016.

5. On June 23, 2016, Infinium filed its third motion requesting an extension of time to answer or otherwise move as to the *Complaint*. The Court granted the motion and extended the answer deadline to July 18, 2016.

6. On July 18, 2016, Infinium filed its fourth motion requesting an extension of time to answer or otherwise move as to the *Complaint*. The Court granted the motion and extended the answer deadline to August 1, 2016.

7. Infinium has been and continues to be in discussions with counsel to the Trustee regarding the claims in this action, and expects to continue those discussions over the next several weeks.

8. The Trustee assents to the requested relief.

9. Accordingly, Infinium respectfully requests that this Court extend, for a period of twenty-eight (28) days, to and including August 29, 2016, the time within which it is to file an answer or otherwise move as to the *Complaint*.¹

¹ This request is made without prejudice to any rights, claims or defenses that Infinium has with respect to the *Complaint* or any matter relating thereto or alleged therein.

Date: August 9, 2016

INFINIUM WIRELESS, LLC.

By its counsel,

/s/ Timothy J. Durken²

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² Counsel enters this limited appearance solely with respect to filing this motion seeking an extension of the time to answer.

MLBR 9013-1 CERTIFICATION

On August 8, 2016, counsel for Infinium communicated by telephone and email with Andrew G. Lizotte of Murphy & King, P.C., counsel to the Trustee in this matter, who indicated that he did not oppose the within motion or the relief sought herein.

/s/ Timothy J. Durken

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of August, 2016, I caused true copies of the within motion to be served through the Court's CM/ECF system upon all registered electronic filers appearing in this case.

/s/ Timothy J. Durken

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