

**United States Bankruptcy Court
District of Massachusetts (Worcester)
Adversary Proceeding #: 15-04055**

Assigned to: Judge Melvin S. Hoffman

Lead BK Case: 14-40987

Lead BK Title: Telexfree, LLC

Lead BK Chapter: 11

Demand:

Nature[s] of Suit: 91 Declaratory judgment
72 Injunctive relief –
other

Date Filed: 10/07/15

Plaintiff

Stephen Darr
Huron Consulting Services, LLC

represented by **Charles R. Bennett, Jr.**
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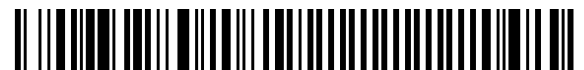
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V.

Defendant

**Rita Dos Santos, Individually and as
Putative Class Representative**

represented by **William R. Baldiga**
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Filing Date	#	Docket Text
10/07/2015	<u>1</u>	Adversary case 15-04055. Complaint by Stephen Darr against Rita Dos Santos, Individually and as Putative Class Representative. Fee Amount \$350. Nature of Suit(91 (Declaratory judgment)),(72 (Injunctive relief - other))(Bennett, Charles) (Entered: 10/07/2015)
10/07/2015	<u>2</u>	Brief/Memorandum In Support of <i>Preliminary Injunction</i> (Re: <u>1</u> Complaint) filed by Plaintiff Stephen Darr (Murphy, Harold) (Entered: 10/07/2015)
10/07/2015	<u>3</u>	Affidavit of Stephen B. Darr (Re: <u>1</u> Complaint) filed by Plaintiff Stephen Darr (Murphy, Harold) (Entered: 10/07/2015)
10/07/2015		Receipt of filing fee for Complaint(15-04055) [cmp,cmp] (350.00). Receipt Number 15028530, amount \$ 350.00 (re: Doc# <u>1</u>) (U.S. Treasury) (Entered: 10/07/2015)
10/08/2015	<u>4</u>	Summons Issued on Rita Dos Santos, Individually and as Putative Class Representative Answer Due 11/9/2015. Summons must be served within seven (7) days of issuance. (mhussey, Usbc) (Entered: 10/08/2015)
10/09/2015	<u>5</u>	Motion filed by Plaintiff Stephen Darr For Order (Re: <u>1</u> Complaint) <i>for Scheduling Order Regarding Trustee's Request for Preliminary Injunction</i> with certificate of service. (Bennett, Charles) (Entered: 10/09/2015)
10/19/2015	<u>6</u>	Summons Service Executed on Rita Dos Santos, Individually and as Putative Class Representative 10/14/2015 (Condon, Christopher) (Entered: 10/19/2015)
11/06/2015	<u>7</u>	Stipulation By Defendant Rita Dos Santos, Individually and as Putative Class Representative and between Plaintiffs' Interim Executive Committee, on Behalf of Rita dos Santos, Individually and as Putative Class Representative and Stephen B. Darr as Trustee of the Estates of TelexFree, LLC, TelexFree, Inc. and TelexFree Financial, Inc. <i>Extending Deadline to Answer Adversary Complaint</i> with certificate of service (Re: <u>1</u> Complaint) filed by Defendant Rita Dos Santos, Individually and as Putative Class Representative (Baldiga, William) (Entered: 11/06/2015)
11/12/2015	<u>8</u>	Endorsed Order Dated 11/12/15 Re: <u>7</u> Stipulation filed by Defendant Rita Dos Santos, Individually and as Putative Class Representative. ALLOWED . (mhussey, Usbc) (Entered: 11/12/2015)
11/14/2015	<u>9</u>	BNC Certificate of Mailing - PDF Document. (Re: <u>8</u> Order) Notice Date 11/14/2015. (Admin.) (Entered: 11/15/2015)
12/11/2015	<u>10</u>	Answer to Complaint with certificate of service filed by Rita Dos Santos, Individually and as Putative Class Representative. (Baldiga, William) (Entered: 12/11/2015)
01/19/2016	<u>11</u>	Order of District Court Judge Timothy C. Hillman Dated 1/15/16 Withdrawing the Reference of the Adversary Proceeding to the Bankruptcy Court. See Order For Full Text. (jr) (Entered: 01/19/2016)
01/20/2016	<u>12</u>	Status Conference Scheduled for 1/26/2016 at 10:00 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109. (rmb, USBC) (Entered: 01/20/2016)

01/22/2016		<u>13</u>	Order dated 1/22/2016 Re: <u>1</u> Complaint filed by Plaintiff Stephen Darr. See Order for Full Text. (meh, Usbc) (Entered: 01/22/2016)
01/22/2016		<u>14</u>	BNC Certificate of Mailing – Hearing. (Re: <u>12</u> Hearing Scheduled) Notice Date 01/22/2016. (Admin.) (Entered: 01/23/2016)
01/24/2016		<u>15</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>13</u> Order) Notice Date 01/24/2016. (Admin.) (Entered: 01/25/2016)
01/26/2016		<u>16</u>	Order dated 1/26/2016 Re: <u>1</u> Complaint filed by Plaintiff Stephen Darr. STATUS CONFERENCE HELD. WITHIN THIRTY DAYS, THE CHAPTER 11 TRUSTEE MAY AMEND HIS COMPLAINT AND THE PARTIES SHALL FILE THEIR RULE 26(F) CERTIFICATION. (meh, Usbc) (Entered: 01/26/2016)
01/28/2016		<u>17</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>16</u> Order) Notice Date 01/28/2016. (Admin.) (Entered: 01/29/2016)
02/09/2016			Transcript Ordered and Acknowledged. Requested by Kiersten Taylor, Esq. and payment received. The expected completion date is 09/29/2016. (Janice Russell Transcripts) (Entered: 02/09/2016)
02/09/2016		<u>18</u>	An official transcript (RE: <u>12</u> Status Conference Scheduled) heard on 01/26/16 has been filed. Pursuant to Judicial Conference Policy, electronic access to transcripts is restricted for 90 days from the date of filing. The transcript is available for inspection at the Clerk's Office or a copy may be purchased from the transcriber. Contact the ECR Operator for transcriber information. Parties have until 03/1/2016 to file a Request for Redaction with the Court. If no request is filed, the transcript may be made available electronically on 05/10/2016. (Janice Russell Transcripts) (Entered: 02/09/2016)
02/10/2016		<u>19</u>	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the Judicial Conference policy governing public access to transcripts of federal court proceedings, transcripts are not electronically available(online) until 90 days after filing but may be inspected by clerk's office or purchased from the court transcriber during the 90–day period. (ADI) (Entered: 02/10/2016)
02/12/2016		<u>20</u>	BNC Certificate of Mailing. (Re: <u>19</u> Notice of Filing of Official Transcript) Notice Date 02/12/2016. (Admin.) (Entered: 02/13/2016)
02/26/2016		<u>21</u>	Amended Complaint by Charles R. Bennett Jr. on behalf of Stephen Darr against Rita Dos Santos, Individually and as Putative Class Representative. (RE: related document(s) <u>1</u> Adversary case 15–04055. Complaint by Stephen Darr against Rita Dos Santos, Individually and as Putative Class Representative. Fee Amount \$350. Nature of Suit(91 (Declaratory judgment)),(72 (Injunctive relief – other)) filed by Plaintiff Stephen Darr). (Bennett, Charles) (Entered: 02/26/2016)
03/03/2016		<u>22</u>	Order dated 3/3/2016 Re: <u>5</u> Motion filed by Plaintiff Stephen Darr For Order Re: (<u>1</u> Complaint) for Scheduling Order Regarding Trustee's Request for Preliminary Injunction. See Order for Full Text. (meh, Usbc) (Entered: 03/03/2016)
03/05/2016		<u>23</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>22</u> Order on Motion for Order/Authority) Notice Date 03/05/2016. (Admin.) (Entered: 03/06/2016)

03/17/2016		<u>24</u>	Response <i>Plaintiffs' Interim Executive Committee's Response to Order on Trustee's Motion for Order for Scheduling Order Regarding Trustee's Request for Preliminary Injunction</i> with certificate of service filed by Interested Party Plaintiffs' Interim Executive Committee Re: <u>5</u> Motion filed by Plaintiff Stephen Darr For Order (Re: <u>1</u> Complaint) <i>for Scheduling Order Regarding Trustee's Request for Preliminary Injunction</i> with certificate of service., <u>22</u> Order dated 3/3/2016 Re: <u>5</u> Motion filed by Plaintiff Stephen Darr For Order Re: (<u>1</u> Complaint) for Scheduling Order Regarding Trustee's Request for Preliminary Injunction. See Order for Full Text. (Baldiga, William) (Entered: 03/17/2016)
03/22/2016		<u>25</u>	Status Conference Scheduled for 4/13/2016 at 10:00 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109. (rmb, USBC) (Entered: 03/22/2016)
03/24/2016		<u>26</u>	BNC Certificate of Mailing – Hearing. (Re: <u>25</u> Hearing Scheduled) Notice Date 03/24/2016. (Admin.) (Entered: 03/25/2016)
04/04/2016		<u>27</u>	DISREGARD– Answer to Complaint with certificate of service filed by Rita Dos Santos, Individually and as Putative Class Representative. (Baldiga, William) CORRECTIVE ENTRY– Document #29 is the corrected version. (Entered: 04/04/2016)
04/05/2016		<u>28</u>	Order Requiring Corrective Action. You are hereby ORDERED to file the required document(s) identified in the attached order within (2) business days of the date of this order Re: <u>27</u> Answer to Complaint filed by Defendant Rita Dos Santos, Individually and as Putative Class Representative. (meh, Usbc) (Entered: 04/05/2016)
04/05/2016		<u>29</u>	Answer to Complaint with certificate of service filed by Rita Dos Santos, Individually and as Putative Class Representative. (Baldiga, William) (Entered: 04/05/2016)
04/13/2016		<u>30</u>	Order dated 4/13/2016 Re: <u>1</u> Complaint filed by Plaintiff Stephen Darr. STATUS CONFERENCE HELD. THE PARTIES SHALL FILE A JOINT PROPOSED FORM OF PRE–TRIAL ORDER IN ECF AS A SUPPLEMENTAL DOCUMENT AND SUBMIT A COPY IN WORD FORMAT TO MSH@MAB.USCOURTS.GOV BY THE CLOSE OF BUSINESS BY MAY 13, 2016. (meh, Usbc) (Entered: 04/13/2016)
04/15/2016		<u>31</u>	BNC Certificate of Mailing – PDF Document. Notice Date 04/15/2016. (Admin.) (Entered: 04/16/2016)
05/10/2016		<u>32</u>	Order dated 5/10/2016 to Show Cause. ANY PARTY IN INTEREST MAY SHOW CAUSE IN WRITING ON OR BEFORE MAY 31, 2016 WHY THE ATTACHED ORDER SHOULD NOT BE ENTERED. THE TRUSTEE SHALL CAUSE A COPY OF THIS ORDER, AND THE ATTACHMENT, TO BE POSTED IN ENGLISH, SPANISH, PORTUGUESE AND CHINESE ON THE WEB SITE MAINTAINED BY KURTZMAN CARSON CONSULTANTS LLC FOR THIS CASE. (meh, Usbc) (Entered: 05/10/2016)
05/12/2016		<u>33</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>32</u> Order to Show Cause) Notice Date 05/12/2016. (Admin.) (Entered: 05/13/2016)
05/13/2016		<u>34</u>	Certificate of Rule 26(f) Conference and Rule 26(f) Discovery Plan (Re: <u>1</u> Complaint) filed by Plaintiff Stephen Darr (Bennett, Charles) (Entered: 05/13/2016)

06/01/2016		<u>35</u>	Order dated 6/1/2016 Re: <u>32</u> Order to Show Cause. See Order for Full Text. (meh, Usbc) (Entered: 06/02/2016)
06/04/2016		<u>36</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>35</u> Order) Notice Date 06/04/2016. (Admin.) (Entered: 06/05/2016)
06/27/2016		<u>37</u>	Notice of Filing of Amended Complaint in Civil Action No. 16–40018 (D. Mass.) with certificate of service filed by Interested Party Plaintiffs' Interim Executive Committee (Baldiga, William) (Entered: 06/27/2016)
07/11/2016		<u>38</u>	Response filed by Plaintiff Stephen Darr Re: <u>37</u> Notice of Filing of Amended Complaint in Civil Action No. 16–40018 (D. Mass.) with certificate of service filed by Interested Party Plaintiffs' Interim Executive Committee (Bennett, Charles) (Entered: 07/11/2016)
08/05/2016		<u>39</u>	Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment with certificate of service. (Baldiga, William) (Entered: 08/05/2016)
08/05/2016		<u>40</u>	Statement Local Bankruptcy Rule 7056–1 Statement of Undisputed Material Facts in Support of PIEC's Motion for Summary Judgment with certificate of service (Re: <u>39</u> Motion for Summary Judgment) filed by Interested Party Plaintiffs' Interim Executive Committee (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Exhibit G # <u>8</u> Exhibit H # <u>9</u> Exhibit I # <u>10</u> Exhibit J # <u>11</u> Exhibit K # <u>12</u> Exhibit L # <u>13</u> Exhibit M # <u>14</u> Exhibit N # <u>15</u> Exhibit O) (Baldiga, William) (Entered: 08/05/2016)
08/05/2016		<u>41</u>	Brief/Memorandum In Support of PIEC's Motion for Summary Judgment (Re: <u>39</u> Motion for Summary Judgment, <u>40</u> Statement) filed by Interested Party Plaintiffs' Interim Executive Committee (Baldiga, William) (Entered: 08/05/2016)
08/16/2016		<u>42</u>	Assented to Motion filed by Plaintiff Stephen Darr to Establish Response Date for Piec's Motion for Summary Judgment with certificate of service. (Attachments: # <u>1</u> Certificate of Service) (Lizotte, Andrew) (Entered: 08/16/2016)
08/17/2016		<u>43</u>	Endorsed Order dated 8/17/2016 Re: <u>42</u> Assented to Motion filed by Plaintiff Stephen Darr to Establish Response Date for Piec's Motion for Summary Judgment. ALLOWED. RESPONSES TO THE PIEC'S MOTION FOR SUMMARY JUDGMENT, INCLUDING AFFIDAVITS, AND ANY CROSS–MOTION FOR SUMMARY JUDGMENT ARE DUE BY SEPTEMBER 2, 2016. RESPONSES TO ANY CROSS–MOTION FOR SUMMARY JUDGMENT ARE DUE BY SEPTEMBER 23, 2016. THE COURT WILL HOLD A HEARING ON THE MOTION AND ANY CROSS–MOTION FOR SUMMARY JUDGMENT ON SEPTEMBER 28, 2016, AT 10:00 A.M. (meh, Usbc) (Entered: 08/17/2016)
08/17/2016			DISREGARD: Hearing Scheduled to 9/28/2016 at 10:00 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>42</u> Assented to Motion filed by Plaintiff Stephen Darr to Establish Response Date for Piec's Motion for Summary Judgment. (meh, Usbc) Corrective entry: disregard. Docketed in error. Modified on 8/17/2016 (ymw). (Entered: 08/17/2016)
08/17/2016			Hearing Scheduled for 9/28/2016 at 10:00 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>39</u> Motion filed

			by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment (ymw) (Entered: 08/17/2016)
08/19/2016		<u>44</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>43</u> Order on Generic Motion) Notice Date 08/19/2016. (Admin.) (Entered: 08/20/2016)
09/02/2016		<u>45</u>	Opposition <i>By Trustee to PIEC Motion for Summary Judgment</i> filed by Plaintiff Stephen Darr Re: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment with certificate of service. (Lizotte, Andrew) (Entered: 09/02/2016)
09/02/2016		<u>46</u>	Response to Defendants' Local Bankruptcy Rule 7056–1 Statement of Undisputed Material Facts in Support of PIEC's Motion for Summary Judgment filed by Plaintiff Stephen Darr Re: <u>40</u> Statement Local Bankruptcy Rule 7056–1 Statement of Undisputed Material Facts in Support of PIEC's Motion for Summary Judgment with certificate of service (Re: <u>39</u> Motion for Summary Judgment) filed by Interested Party Plaintiffs' Interim Executive Committee. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Exhibit G # <u>8</u> Exhibit H # <u>9</u> Exhibit I # <u>10</u> Exhibit J # <u>11</u> Exhibit K # <u>12</u> Exhibit L # <u>13</u> Exhibit M # <u>14</u> Exhibit N # <u>15</u> Exhibit O) (Lizotte, Andrew) (Entered: 09/02/2016)
09/02/2016		<u>47</u>	Cross–Motion filed by Plaintiff Stephen Darr For Summary Judgment. (Lizotte, Andrew) (Entered: 09/02/2016)
09/02/2016		<u>48</u>	Statement of Undisputed Material Facts in Support of his Cross–Motion for Summary Judgment (Re: <u>47</u> Motion for Summary Judgment) filed by Plaintiff Stephen Darr. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Exhibit G # <u>8</u> Exhibit H) (Lizotte, Andrew) (Entered: 09/02/2016)
09/02/2016		<u>49</u>	Affidavit of Stephen B. Darr in Opposition to the PIEC Motion for Summary Judgment and in Support of the Trustee's Cross–Motion for Summary Judgment (Re: <u>45</u> Opposition, <u>47</u> Motion for Summary Judgment) filed by Plaintiff Stephen Darr. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E) (Lizotte, Andrew) (Entered: 09/02/2016)
09/02/2016		<u>50</u>	Exhibit I (Re: <u>48</u> Statement) filed by Plaintiff Stephen Darr (Lizotte, Andrew) (Entered: 09/02/2016)
09/02/2016		<u>51</u>	Memorandum of Law In Support of Trustee's Opposition to PIEC Motion for Summary Judgment and Trustee's Cross–Motion for Summary Judgment (Re: <u>45</u> Opposition, <u>47</u> Motion for Summary Judgment) filed by Plaintiff Stephen Darr. (Lizotte, Andrew) (Entered: 09/02/2016)
09/06/2016		<u>52</u>	Hearing Scheduled for 9/28/2016 at 10:00 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109 RE: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment. (rmb, USBC) (Entered: 09/06/2016)
09/06/2016		<u>53</u>	Hearing Scheduled for 9/28/2016 at 10:00 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109 RE: <u>47</u> Cross–Motion filed by Plaintiff Stephen Darr for Summary Judgment. Objections due by 9/23/2016 at 04:30 PM. (rmb, USBC) (Entered: 09/06/2016)

09/06/2016		<u>54</u>	Certificate of Service (Re: <u>45</u> Opposition, <u>46</u> Response, <u>47</u> Motion for Summary Judgment, <u>48</u> Statement, <u>49</u> Affidavit/Declaration, <u>50</u> Exhibit, <u>51</u> Brief/Memorandum) filed by Plaintiff Stephen Darr (Lizotte, Andrew) (Entered: 09/06/2016)
09/06/2016		<u>55</u>	Certificate of Service of Notice of Hearing (Re: <u>47</u> Motion for Summary Judgment) filed by Plaintiff Stephen Darr (Attachments: # <u>1</u> Notice of Hearing) (Lizotte, Andrew) (Entered: 09/06/2016)
09/08/2016		<u>56</u>	BNC Certificate of Mailing – Hearing. (Re: <u>52</u> Hearing Scheduled) Notice Date 09/08/2016. (Admin.) (Entered: 09/09/2016)
09/08/2016		<u>57</u>	BNC Certificate of Mailing – Hearing. (Re: <u>53</u> Hearing Scheduled) Notice Date 09/08/2016. (Admin.) (Entered: 09/09/2016)
09/12/2016		<u>58</u>	Notice of Hearing (Re: <u>39</u> Motion for Summary Judgment) filed by Interested Party Plaintiffs' Interim Executive Committee (Baldiga, William) (Entered: 09/12/2016)
09/15/2016		<u>59</u>	Stipulation By Plaintiff Stephen Darr <i>and Plaintiffs' Interim Executive Committee Regarding Settlement Conference</i> filed by Plaintiff Stephen Darr (Lizotte, Andrew) (Entered: 09/15/2016)
09/15/2016		<u>60</u>	Certificate of Service (Re: <u>59</u> Stipulation) filed by Plaintiff Stephen Darr (Lizotte, Andrew) (Entered: 09/15/2016)
09/26/2016		<u>61</u>	Joint Motion filed by Plaintiff Stephen Darr to Continue Hearing [Re: <u>39</u> Motion for Summary Judgment, <u>47</u> Motion for Summary Judgment] with certificate of service. (Attachments: # <u>1</u> Certificate of Service) (Lizotte, Andrew) (Entered: 09/26/2016)
09/26/2016		<u>62</u>	Endorsed Order dated 9/26/2016 Re: <u>61</u> Joint Motion filed by Plaintiff Stephen Darr to Continue Hearing Re: <u>39</u> Motion for Summary Judgment, <u>47</u> Motion for Summary Judgment. GRANTED ; THE SEPTEMBER 28, 2016 HEARINGS ARE CANCELED. A SEPARATE NOTICE OF RESCHEDULED HEARINGS WILL ISSUE. (meh, Usbc) (Entered: 09/26/2016)
09/28/2016		<u>63</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>62</u> Order on Motion to Continue/Cancel Hearing) Notice Date 09/28/2016. (Admin.) (Entered: 09/29/2016)
10/05/2016		<u>64</u>	Supplemental Document: (Re: <u>59</u> Stipulation) filed by Plaintiff Stephen Darr (Lizotte, Andrew) (Entered: 10/05/2016)
11/10/2016		<u>65</u>	Report <i>and Request for Status Conference</i> filed by Plaintiff Stephen Darr (Attachments: # <u>1</u> Certificate of Service) (Lizotte, Andrew) (Entered: 11/10/2016)
11/15/2016		<u>66</u>	Status Conference Scheduled for 12/14/2016 at 11:00 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109. (rmb, USBC) (Entered: 11/15/2016)
11/15/2016		<u>67</u>	Certificate of Service of Notice of Hearing / <i>Status Conference</i> filed by Plaintiff Stephen Darr (Attachments: # <u>1</u> Notice of Status Conference) (Lizotte, Andrew) (Entered: 11/15/2016)

11/17/2016		<u>68</u>	BNC Certificate of Mailing – Hearing. (Re: <u>66</u> Hearing Scheduled) Notice Date 11/17/2016. (Admin.) (Entered: 11/18/2016)
11/18/2016		<u>69</u>	Motion filed by Plaintiff Stephen Darr to Continue Hearing [Re: <u>66</u> Hearing Scheduled] / <i>Reschedule Status Conference</i> with certificate of service. (Attachments: # <u>1</u> Certificate of Service) (Lizotte, Andrew) (Entered: 11/18/2016)
11/22/2016		<u>70</u>	Endorsed Order dated 11/22/2016 Re: <u>69</u> Motion filed by Plaintiff Stephen Darr to Continue Hearing Re: <u>66</u> Hearing Scheduled/Reschedule Status Conference. GRANTED ; THE STATUS CONFERENCE WILL BE RESCHEDULED BY SEPARATE NOTICE. (meh, Usbc) (Entered: 11/22/2016)
11/22/2016		<u>71</u>	Status Conference Rescheduled for 12/21/2016 at 10:15 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109. (rmb, USBC) (Entered: 11/22/2016)
11/22/2016		<u>72</u>	Certificate of Service of Notice of Hearing / <i>Status Conference</i> (Re: <u>1</u> Complaint, <u>71</u> Hearing Scheduled) filed by Plaintiff Stephen Darr (Attachments: # <u>1</u> Notice of Rescheduled Hearing) (Lizotte, Andrew) (Entered: 11/22/2016)
11/24/2016		<u>73</u>	BNC Certificate of Mailing – Hearing. (Re: <u>71</u> Hearing Scheduled) Notice Date 11/24/2016. (Admin.) (Entered: 11/25/2016)
11/24/2016		<u>74</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>70</u> Order on Motion to Continue/Cancel Hearing) Notice Date 11/24/2016. (Admin.) (Entered: 11/25/2016)
12/20/2016		<u>75</u>	Opposition by PIEC to Trustee's Cross–Motion For Summary Judgment (Re: <u>47</u> Motion for Summary Judgment) filed by Interested Party Plaintiffs' Interim Executive Committee (Baldiga, William) (Entered: 12/20/2016)
12/20/2016		<u>76</u>	Response to Memorandum of Law in Support of Trustee's Opposition to PIEC Motion for Summary Judgment and Trustee's Cross Motion for Summary Judgment with certificate of service (Re: <u>47</u> Motion for Summary Judgment) filed by Interested Party Plaintiffs' Interim Executive Committee (Attachments: # <u>1</u> Exhibit A) (Baldiga, William) (Entered: 12/20/2016)
12/20/2016		<u>77</u>	Response to Trustee's Statement of Undisputed Material Facts In Support of his Cross Motion for Summary Judgment with certificate of service (Re: <u>47</u> Motion for Summary Judgment) filed by Interested Party Plaintiffs' Interim Executive Committee (Baldiga, William) (Entered: 12/20/2016)
12/21/2016		<u>78</u>	Order dated 12/21/2016 Re: <u>1</u> Complaint by Stephen Darr against Rita Dos Santos, Individually and as Putative Class Representative. STATUS CONFERENCE HELD AND COMPLETED. (clm, Usbc) (Entered: 12/21/2016)
12/22/2016		<u>79</u>	Hearing Scheduled for 2/22/2017 at 10:00 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109 RE: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment. (rmb, USBC) (Entered: 12/22/2016)

12/22/2016		<u>80</u>	Hearing Scheduled for 2/22/2017 at 10:00 AM at Boston Courtroom 2, 12th Floor, 5 Post Office Square, Boston, MA 02109 RE: <u>47</u> Cross-Motion filed by Plaintiff Stephen Darr for Summary Judgment. (rmb, USBC) (Entered: 12/22/2016)
12/22/2016		<u>81</u>	Certificate of Service of Notice of Hearing (Re: <u>47</u> Motion for Summary Judgment) filed by Plaintiff Stephen Darr (Attachments: # <u>1</u> Notice of Hearing) (Lizotte, Andrew) (Entered: 12/22/2016)
12/22/2016			Please see case #14-40987 entry #835 for the audio file of the hearing held on 12/21/2016. (ymw) (Entered: 12/22/2016)
12/22/2016			Transcript Requested by William Baldiga, Esq.. Transcriptionist awaiting payment upon completion of transcript. (Janice Russell Transcripts) (Entered: 12/22/2016)
12/23/2016			Transcript Ordered and Acknowledged. Requested by William Baldiga, Esq. and payment received. The expected completion date is 12/23/16. (Janice Russell Transcripts) (Entered: 12/23/2016)
12/23/2016		<u>82</u>	An official transcript (RE: <u>71</u> Status Conference Rescheduled) heard on 12/21/16 has been filed. Pursuant to Judicial Conference Policy, electronic access to transcripts is restricted for 90 days from the date of filing. The transcript is available for inspection at the Clerk's Office or a copy may be purchased from the transcriber. Contact the ECR Operator for transcriber information. Parties have until 01/13/2017 to file a Request for Redaction with the Court. If no request is filed, the transcript may be made available electronically on 03/24/2017. (Janice Russell Transcripts) (Entered: 12/23/2016)
12/23/2016		<u>83</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>78</u> Order) Notice Date 12/23/2016. (Admin.) (Entered: 12/24/2016)
12/24/2016		<u>84</u>	BNC Certificate of Mailing – Hearing. (Re: <u>79</u> Hearing Scheduled) Notice Date 12/24/2016. (Admin.) (Entered: 12/25/2016)
12/24/2016		<u>85</u>	BNC Certificate of Mailing – Hearing. (Re: <u>80</u> Hearing Scheduled) Notice Date 12/24/2016. (Admin.) (Entered: 12/25/2016)
12/24/2016		<u>86</u>	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the Judicial Conference policy governing public access to transcripts of federal court proceedings, transcripts are not electronically available(online) until 90 days after filing but may be inspected by clerk's office or purchased from the court transcriber during the 90-day period. (ADI) (Entered: 12/26/2016)
12/27/2016		<u>87</u>	Certificate of Service of Notice of Hearing (Re: <u>39</u> Motion for Summary Judgment) filed by Interested Party Plaintiffs' Interim Executive Committee (Baldiga, William) (Entered: 12/27/2016)
12/29/2016		<u>88</u>	BNC Certificate of Mailing. (Re: <u>86</u> Notice of Filing of Official Transcript) Notice Date 12/29/2016. (Admin.) (Entered: 12/30/2016)
02/21/2017		<u>89</u>	<i>Brief of the Class Defendants as Amici Curiae Relative to Cross-Motions for Summary Judgment</i> filed by Interested Party Frantz Balan (Rona, Ilyas) (Entered: 02/21/2017)
02/22/2017		<u>90</u>	

			Order dated 2/22/2017 Re: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment. HEARING HELD. THIS MOTION IS HEREBY TAKEN UNDER ADVISEMENT. (clm, Usbc) (Entered: 02/22/2017)
02/22/2017		<u>91</u>	Order dated 2/22/2017 Re: <u>47</u> Cross-Motion filed by Plaintiff Stephen Darr For Summary Judgment. HEARING HELD. THIS MOTION IS HEREBY TAKEN UNDER ADVISEMENT. (clm, Usbc) (Entered: 02/22/2017)
02/22/2017		<u>92</u>	PDF with attached Audio File. Court Date & Time [2/22/2017 10:08:36 AM]. File Size [32297 KB]. Run Time [02:14:34]. (admin). Re: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment and <u>47</u> Cross-Motion filed by Plaintiff Stephen Darr For Summary Judgment. Modified on 2/23/2017 (ymw). (Entered: 02/23/2017)
02/24/2017		<u>93</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>90</u> Order on Motion For Summary Judgment) Notice Date 02/24/2017. (Admin.) (Entered: 02/25/2017)
02/24/2017		<u>94</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>91</u> Order on Motion For Summary Judgment) Notice Date 02/24/2017. (Admin.) (Entered: 02/25/2017)
08/11/2017			Transcript Requested by Kasey Emmons, Esq.. Transcriptionist awaiting payment upon completion of transcript. (Janice Russell Transcripts) (Entered: 08/11/2017)
08/28/2017			Transcript Ordered and Acknowledged. Requested by Kasey Emmons, Esq. and payment to be received. The expected completion date is 08/28/17. (Janice Russell Transcripts) (Entered: 08/28/2017)
08/28/2017		<u>95</u>	An official transcript (RE: <u>79</u> Hearing Scheduled RE: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment and <u>47</u> Cross-Motion filed by Plaintiff Stephen Darr for Summary Judgment) heard on 02/22/17 has been filed. Pursuant to Judicial Conference Policy, electronic access to transcripts is restricted for 90 days from the date of filing. The transcript is available for inspection at the Clerk's Office or a copy may be purchased from the transcriber. Contact the ECR Operator for transcriber information. Parties have until 09/18/2017 to file a Request for Redaction with the Court. If no request is filed, the transcript may be made available electronically on 11/27/2017. (Janice Russell Transcripts) (Entered: 08/28/2017)
08/29/2017		<u>96</u>	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the Judicial Conference policy governing public access to transcripts of federal court proceedings, transcripts are not electronically available(online) until 90 days after filing but may be inspected by clerk's office or purchased from the court transcriber during the 90-day period. (ADI) (Entered: 08/29/2017)
08/31/2017		<u>97</u>	BNC Certificate of Mailing. (Re: <u>96</u> Notice of Filing of Official Transcript) Notice Date 08/31/2017. (Admin.) (Entered: 09/01/2017)
12/18/2017		<u>98</u>	Proposed Findings of Fact and Conclusions of Law on Cross-Motions for Summary Judgment dated 12/18/2017 Re: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment

			and <u>47</u> Cross-Motion filed by Plaintiff Stephen Darr For Summary Judgment. FOR THE REASONS SET FORTH ABOVE, I RECOMMEND GRANTING MR. DARR'S MOTION FOR SUMMARY JUDGMENT AND DENYING THE PIEC'S. See Order for Full Text. (Telam, Usbc) (Entered: 12/19/2017)
12/21/2017		<u>99</u>	Assented to Motion filed by Interested Party Plaintiffs' Interim Executive Committee to Extend the Deadline to Object to the Court's [Re: <u>98</u> Opinion Issued] with certificate of service. (Baldiga, William) (Entered: 12/21/2017)
12/21/2017		<u>100</u>	BNC Certificate of Mailing – PDF Document. (Re: <u>98</u> Opinion Issued) Notice Date 12/21/2017. (Admin.) (Entered: 12/22/2017)
12/22/2017		<u>101</u>	Endorsed Order dated 12/22/2017 Re: <u>99</u> Assented to Motion filed by Interested Party Plaintiffs' Interim Executive Committee to Extend the Deadline to Object to the Court's Re: <u>98</u> Opinion Issued. ALLOWED . (Telam, Usbc) (Entered: 12/22/2017)
12/27/2017			Transcript Requested by William Baldiga, Esq.. Transcriptionist awaiting payment upon completion of transcript. (Janice Russell Transcripts) (Entered: 12/27/2017)
01/12/2018		<u>102</u>	Objections to the Bankruptcy Court's December 19, 2017 Proposed Findings of Fact and Conclusions of Law on Cross-Motions for Summary Judgment filed by Interested Party Plaintiffs' Interim Executive Committee Re: <u>98</u> Proposed Findings of Fact and Conclusions of Law on Cross-Motions for Summary Judgment dated 12/18/2017 Re: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment and <u>47</u> Cross-Motion filed by Plaintiff Stephen Darr For Summary Judgment with certificate of service. (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2 (Part 1 of 2) # <u>3</u> Exhibit 2 (Part 2 of 2) # <u>4</u> Exhibit 3 # <u>5</u> Exhibit 4 # <u>6</u> Exhibit 5 # <u>7</u> Exhibit 6 # <u>8</u> Exhibit 7 # <u>9</u> Exhibit 8 # <u>10</u> Exhibit 9 # <u>11</u> Exhibit 10) (Baldiga, William) (Entered: 01/12/2018)
01/16/2018		<u>103</u>	Transmittal Re: <u>98</u> Proposed Findings of Fact and Conclusions of Law on Cross-Motions for Summary Judgment dated 12/18/2017 Re: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment and <u>47</u> Cross-Motion filed by Plaintiff Stephen Darr For Summary Judgment. (Attachments: # <u>1</u> Objection) (sl) (Entered: 01/16/2018)
01/18/2018			Notice of Docketing Record to District Court (Case Number: 18-40007) Re: <u>98</u> Proposed Findings of Fact and Conclusions of Law on Cross-Motions for Summary Judgment dated 12/18/2017 Re: <u>39</u> Motion filed by Interested Party Plaintiffs' Interim Executive Committee For Summary Judgment and <u>47</u> Cross-Motion filed by Plaintiff Stephen Darr For Summary Judgment. (sl) (Entered: 01/18/2018)
01/19/2018		<u>104</u>	Motion filed by Plaintiff Stephen Darr to Extend Time to File Response to [Re: <u>102</u> Objection] with certificate of service. (Attachments: # <u>1</u> Certificate of Service) (Lizotte, Andrew) (Entered: 01/19/2018)
01/19/2018		<u>105</u>	Endorsed Order dated 1/19/2018 Re: <u>104</u> Motion filed by Plaintiff Stephen Darr to Extend Time to File Response to Re: <u>102</u> Objection. ALLOWED . (Telam, Usbc) (Entered: 01/19/2018)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

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

TelexFree.

STEPHEN B. DARR AS TRUSTEE
OF THE ESTATES OF TELEXFREE, LLC,
TELEXFREE, INC. and TELEXFREE
FINANCIAL, INC.,

Plaintiffs,

v.

RITA DOS SANTOS, INDIVIDUALLY AND
AS PUTATIVE CLASS REPRESENTATIVE,
AND MARIA MURDOCH, ANGELA
BATISTA JIMENEZ, ELISANGELA
OLIVEIRA AND DIOGO DE ARAUGO, AS
PUTATIVE CLASS REPRESENTATIVES,

Defendants.

Chapter 11 Cases

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

Jointly Administered

Adversary Proceeding
No. 15-04055

**MOTION BY TRUSTEE TO EXTEND TIME TO FILE RESPONSE TO
OBJECTIONS TO THE BANKRUPTCY COURT'S DECEMBER 19, 2017
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON
CROSS-MOTIONS FOR SUMMARY JUDGMENT**

Stephen B. Darr, the duly appointed trustee (the "Trustee") of the above captioned Debtors, respectfully moves that the Court extend by fourteen (14) days the deadline for the Trustee to file a response to the *Objections to the Bankruptcy Court's December 19, 2017 Proposed Findings of Fact and Conclusions of Law on Cross-Motions for Summary Judgment*

(the "Objection"). The Plaintiffs Interim Executive Committee ("PIEC") has agreed to the extension. In further support, the Trustee states as follows:

1. The Objection was filed on January 12, 2018.
2. Pursuant to Federal Rule of Bankruptcy Procedure 9033, the Trustee otherwise has fourteen (14) days from the filing of the Objection, or through January 26, 2018, in which to file a response to the Objection.
3. The Trustee requires a brief additional time period to adequately respond to the Objection.
4. No party will be prejudiced by this extension, which is assented to.

Wherefore, the Trustee prays that the Court:

- a. Extend the time in which the Trustee may respond to the Objection by 14 days, through and including February 9, 2018; and
- b. Grant such other relief as is just and proper.

Respectfully submitted,

STEPHEN B. DARR, CHAPTER 11
TRUSTEE,
By his counsel:

Dated: January 19, 2018

/s/ Andrew G. Lizotte
Harold B. Murphy (BBO #362610)
Charles R. Bennett, Jr. (BBO #037380)
Andrew G. Lizotte (BBO #559609)
MURPHY & KING,
Professional Corporation
One Beacon Street
Boston, MA 02108
Telephone: (617) 423-0400
ALizotte@murphyking.com

738138

**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 B. DARR AS TRUSTEE
OF THE ESTATES OF TELEXFREE, LLC,
TELEXFREE, INC. and TELEXFREE
FINANCIAL, INC.,

Adversary Proceeding
No. 15-04055

Plaintiffs,

v.

RITA DOS SANTOS, INDIVIDUALLY AND
AS PUTATIVE CLASS REPRESENTATIVE,
AND MARIA MURDOCH, ANGELA
BATISTA JIMENEZ, ELISANGELA
OLIVEIRA AND DIOGO DE ARAUGO, AS
PUTATIVE CLASS REPRESENTATIVES,

Defendants.

CERTIFICATE OF SERVICE

I, Andrew G. Lizotte, hereby certify that on January 19, 2018, I caused to be served a copy of the *Motion by Trustee to Extend Time to File Response to Objections to the Bankruptcy Court's December 19, 2017 Proposed Findings of Fact and Conclusions of Law on Cross-Motions for Summary Judgment* by this Court's CM/ECF System to:

William R. Baldiga, Esq.
Brown Rudnick LLP
One Financial Center
Boston, MA 02111
wbaldiga@brownrudnick.com

Ilyas Rona, Esq.
Milligan, Rona, Duran & King
50 Congress Street
Boston, MA 02109
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gnc@mrklaw.com, kae@mrklaw.com

/s/ Andrew G. Lizotte

Andrew G. Lizotte (BBO #559609)
MURPHY & KING, Professional Corporation
One Beacon Street
Boston, MA 02108-3107
Tel: (617) 423-0400
Fax: (617) 556-8985
Email: ALizotte@murphyking.com

DATED: January 19, 2018
738155

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

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

TelexFree.

STEPHEN B. DARR AS TRUSTEE
OF THE ESTATES OF TELEXFREE, LLC,
TELEXFREE, INC. and TELEXFREE
FINANCIAL, INC.,

Plaintiffs,

v.

RITA DOS SANTOS, INDIVIDUALLY AND
AS PUTATIVE CLASS REPRESENTATIVE,
AND MARIA MURDOCH, ANGELA
BATISTA JIMENEZ, ELISANGELA
OLIVEIRA AND DIOGO DE ARAUGO, AS
PUTATIVE CLASS REPRESENTATIVES,

Defendants.

Chapter 11 Cases

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

Jointly Administered

Adversary Proceeding
No. 15-04055

**MOTION BY TRUSTEE TO EXTEND TIME TO FILE RESPONSE TO
OBJECTIONS TO THE BANKRUPTCY COURT'S DECEMBER 19, 2017
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON
CROSS-MOTIONS FOR SUMMARY JUDGMENT**

Stephen B. Darr, the duly appointed trustee (the "Trustee") of the above captioned Debtors, respectfully moves that the Court extend by fourteen (14) days the deadline for the Trustee to file a response to the *Objections to the Bankruptcy Court's December 19, 2017 Proposed Findings of Fact and Conclusions of Law on Cross-Motions for Summary Judgment*

In re Telexfree, LLC

Debtor

Stephen Darr
Plaintiff

vs.

Rita Dos Santos, Individually and as Putative Class Representative
Defendant

Related Bankruptcy Case: 14-40987
Chapter 11
Judge Melvin S. Hoffman

Adversary Proceeding: 15-04055

Initial Transmittal

The following is being transmitted to your court:

- ☐ Notice of Appeal with Order
- ☐ Bankruptcy Docket
- ☐ Election to have appeal heard in District Court
- ☐ Direct Appeal to Court of Appeals
- ☐ Motion for Leave to Appeal With/Without Objections
- ☒ Other Motion by Plaintiff to Extend Time to Respond; Order allowing motion

Date: 1/22/18

By the Court,

Stefanie Landry
Deputy Clerk
617-748-5319

Receipt is acknowledged of the enclosures referred to above.

District/Appellate Court Docket Number: _____

Date: _____

By: _____
Deputy Clerk