

**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. 18-4091

v.

UNITED STATES OF AMERICA,
DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,

Defendant.

MOTION BY CHAPTER 11 TRUSTEE FOR PARTIAL SUMMARY JUDGMENT

Stephen B. Darr, the Chapter 11 trustee (the “Chapter 11 Trustee”) of the bankruptcy estates (the “Estates”) of TelexFree LLC, TelexFree, Inc., and TelexFree Financial, Inc. (collectively, “TelexFree” or the “Debtors”), hereby moves, pursuant to Federal Rule of Bankruptcy Procedure 7056, for the entry of an order granting summary judgment in his favor on Counts IV and V of his Complaint. In support of this motion (the “Motion”), the Trustee states as follows:

1. There are no genuine issues of material fact as to whether the Chapter 11 Trustee is entitled to the relief sought in Counts IV and V of the Complaint as a matter of law.



2. As further support for the Motion, the Chapter 11 Trustee has filed concurrently herewith the (1) *Affidavit of Stephen Darr in Support of Motion by Chapter 11 Trustee for Partial Summary Judgment*; (2) *Memorandum of Law in Support of Motion by Chapter 11 Trustee for Partial Summary Judgment*; and (3) *Statement by Chapter 11 Trustee of Undisputed Material Facts in Support of Motion for Partial Summary Judgment*.

WHEREFORE, Stephen Darr, as he is Trustee of the Chapter 11 Estates of TelexFree, LLC, TelexFree, Inc. and TelexFree Financial, Inc., respectfully prays that this Court:

1. Enter summary judgment in favor of the Chapter 11 Trustee on Counts IV and V of the Complaint; and
2. Grant such other relief as is just and proper.

STEPHEN B. DARR,
CHAPTER 11 TRUSTEE,

By his attorneys,

/s/ Andrew G. Lizotte
Harold B. Murphy (BBO #362610)
Charles R. Bennett, Jr. (BBO #037380)
Andrew G. Lizotte (BBO #559609)
Murphy & King, P. C.
One Beacon Street
Boston, MA 02108
Tel: (617) 423-0400
Fax: (617) 423-0498
hmurphy@murphyking.com
cbennett@murphyking.com
alizotte@murphyking.com

Dated: October 19, 2018

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