

**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 HE IS TRUSTEE OF  
THE CHAPTER 11 ESTATES OF  
TELEXFREE, LLC,  
TELEXFREE, INC. and  
TELEXFREE FINANCIAL, INC.,

Plaintiff,

v.

CARLOS WANZELER, ET AL,  
Defendant(s).

Adversary Proceeding  
No.16-4032

STEPHEN B. DARR AS HE IS TRUSTEE OF  
THE CHAPTER 11 ESTATES OF  
TELEXFREE, LLC,  
TELEXFREE, INC. and  
TELEXFREE FINANCIAL, INC.,

Plaintiff,

v.

BENJAMIN ARGUETA, ET AL  
Defendant(s).

Adversary Proceeding  
No.16-4006

**RESPONSE BY TRUSTEE TO “MOTION & NOTICE OF OBJECTION”  
FILED BY FABIO WANZELER**

Stephen Darr, the duly appointed Chapter 11 Trustee (the “Chapter 11 Trustee”) of  
TelexFree, LLC, TelexFree, Inc. and TelexFree Financial, Inc. (“TelexFree” or the “Debtors”),



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respectfully files this response to the *Motion & Notice of Objection* (the “Motion”) filed by Fabio Wanzeler on or about February 6, 2019.

1. On or about November 5, 2018, the Chapter 11 Trustee filed a motion to approve a settlement agreement amongst the Chapter 11 Trustee, Mr. Wanzeler, and the United States of America (the “Settlement Motion”), along with the settlement agreement (the “Agreement”).

2. The Settlement Motion and Agreement were served upon Mr. Wanzeler’s counsel when filed.

3. On or about December 17, 2018, the Court entered an order approving the Settlement Motion.

4. On February 6, 2019, Mr. Wanzeler filed his Motion, alleging that the Agreement had been ‘altered’ by the Chapter 11 Trustee and apparently requesting that the Settlement Motion be stricken.

5. The Agreement was not altered in any way upon filing with the Court. Mr. Wanzeler has apparently misunderstood the Settlement Motion filed by the Chapter 11 Trustee, and otherwise required as part of a request for relief under Federal Rule of Bankruptcy Procedure 9019, as being part of or an “addendum” to the Agreement.

6. Notwithstanding the filing of the Motion, it appears that Mr. Wanzeler intends to comply with the Agreement. On February 8, 2019, the Chapter 11 Trustee received the settlement funds and was informed that the deed transferring the San Mellina property from the Wanzeler’s to the Chapter 11 Trustee had been recorded. Pending an inspection by the Chapter 11 Trustee of the property being transferred, it appears that Mr. Wanzeler has complied with his obligations under the Agreement.

7. It is unclear the relief sought by Mr. Wanzeler, other than to deny generally the

allegations asserted against him in the case and forming the basis of the settlement. Because the Settlement Motion was approved by final order of the Court and Mr. Wanzeler is not contesting the terms of the Agreement that he signed, the Chapter 11 Trustee requests that the Motion be deemed moot.

STEPHEN DARR, TRUSTEE OF THE  
CHAPTER 11 ESTATES OF EACH OF  
THE DEBTORS

By his attorneys,

/s/ Andrew G. Lizotte

Harold B. Murphy (BBO #362610)

Andrew G. Lizotte (BBO #559609)

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Dated: February 11, 2019

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

In re:

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

Debtors.

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

Plaintiff,

v.

CARLOS WANZELER, JAMES MERRILL,  
CARLOS COSTA, PRISCILA FREITAS  
COSTA, FABIO WANZELER, LYVIA MARA  
CAMPISTA WANZELER, MARIA  
EDUARDA WANZELER DE ALMEIDA E  
SOUZA, DRUCILA WANZELER, MARISA  
MACHADO WANZELER SALGADO,  
RENATO ALVES, ANA COSTA, NATHANA  
SANTOS REIS, FABIO FARIA, LELIO  
CELSO RAMIRES FARIAS, SANDERLY  
RODRIGUES, VAGNER ROZA, ROBERT  
BOURGUIGNON, REGINA CELIA  
MANHAES DA ROZA REGINA CELIA,  
MICHAEL CALAZANS, FABIO DE ARRAZ  
CRISPIM, SHEFFA MONTOYA, LUIS  
FERREIRA, SANDRES LEVIS, FEBE  
WANZELER DE ALMEIDA E SOUZA,  
BRUNO RANGEL CARDOZO,

Defendants.

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Defendants(s).

**Adversary Proceeding  
No. 16-4006**

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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 following document:

- ***Response by Trustee to “Motion & Notice of Objection” Filed by Fabio Wanzeler***

via this Court’s CM/ECF System as indicated to the service list below.

/s/ Andrew G. Lizotte  
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DATED: February 11, 2019  
754072

Telexfree Adversary Proceeding #16-4006 (Domestic)

Service List #703788

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