

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, TRUSTEE OF THE ESTATES  
OF TELEXFREE, LLC, TELEXFREE, INC. and  
TELEXFREE FINANCIAL, INC.,

Plaintiff,

v.

FRANTZ BALAN, A REPRESENTATIVE OF A  
CLASS OF DEFENDANT NET WINNERS,

Defendants.

Adversary Proceeding  
No. 16-4006

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

Plaintiffs,

v.

MARCO PUZZARINI AND SANDRO PAULO  
FREITAS, REPRESENTATIVES OF A CLASS OF  
DEFENDANT NET WINNERS,

Defendants.

Adversary Proceeding  
No. 16-4007

**JOINT MOTION TO MODIFY SCHEDULING ORDER DETERMINING THE  
ADMISSIBILITY AND PRESUMPTIVE EFFECT OF THE TRUSTEE'S  
AGGREGATION METHODOLOGY IN DETERMINING NET WINNERS**



Stephen B. Darr, as Trustee (the "**Trustee**") of the Chapter 11 Estates of TelexFree, LLC, TelexFree, Inc. and TelexFree Financial, Inc. (collectively "**Telexfree**"), and Frantz Balan, and Marco Puzzarini and Sandro Paulo Freitas, as representatives respectively of the Domestic and Foreign Defendant Class of Net Winners (collectively ("**Class Actions**"), jointly request this Court to modify the Scheduling Order entered on March 31, 2020 (ECF No. 495) ("**Scheduling Order**") to address the Trustee's proposed expert testimony by Timothy J. Martin, Managing Director, Huron Consulting Group, LLC (the "**Trustee's Expert**") on the issue of the aggregation methodology utilized by the Trustee in determining Net Winners. As grounds for this joint motion, the Parties state as follows:

1. Due to various scheduling delays by both sides, the Parties hereby request that the Scheduling Order be modified and that the deadline for Class Action Defendants to provide the Trustee with their expert report, which was set to June 5, 2020, be enlarged by forty (40) days to **July 15, 2020**.
2. The deadline for the Trustee's rebuttal report, if any, will remain twenty (20) days from receipt of the Class Action Defendants' report.
3. Expert depositions, if any, shall be concluded by **August 31, 2020**.
4. The Parties request that the deadline to file a status report with the Court on this matter, which was previously due to be filed by July 10, 2020, now be due on or before **September 4, 2020**.

WHEREFORE, Stephen B. Darr as Trustee of the Chapter 11 Estates of TelexFree, LLC, TelexFree, Inc. and TelexFree Financial, Inc., and the Class Action Representative

in the Domestic Class Action and the Class Action Representative in the Foreign Class Action request that the Motion be allowed and the Court modify the Scheduling Order as set forth above.

STEVEN B. DARR, AS HE IS THE  
CHAPTER 11 TRUSTEE OF THE  
DEBTORS' ESTATES

FRANTZ BALAN,  
CLASS REPRESENTATIVE,  
DOMESTIC CLASS ACTION

By his counsel,

By their counsel,

/s/ Harold B. Murphy

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: (717) 423-0498  
hmurphy@murphyking.com  
cbennett@murphyking.com  
alizotte@murphyking.com

/s/ Ilyas J. Rona

Ilyas J. Rona (BBO #642964)  
Michael J. Duran (BBO # 569234)  
MILLIGAN RONA DURAN & KING LLC  
50 Congress Street, Suite 600  
Boston, MA 02109  
Tel: (617) 395-9570  
Fax: (855) 395-5525  
ijr@mrkdclaw.com  
mjd@mrkdclaw.com

*(Date and additional signatures  
on following page)*

Dated: June 4, 2020

MARCO PUZZARINI, ET AL.,  
CLASS REPRESENTATIVE  
FOR FOREIGN CLASS OF  
DEFENDANTS

By their counsel,

/s/ Ilyas J. Rona

Ilyas J. Rona (BBO #642964)  
Michael J. Duran (BBO # 569234)  
MILLIGAN RONA DURAN & KING LLC  
50 Congress Street, Suite 600  
Boston, MA 02109  
Tel: (617) 395-9570  
Fax: (855) 395-5525  
ijr@mrkdclaw.com  
mjd@mrkdclaw.com

**CERTIFICATE OF SERVICE**

I, Ilyas J. Rona, hereby certify that I have caused a copy of the Joint Motion to Modify Scheduling Order Determining the Admissibility and Presumptive Effect of the Trustee's Aggregation Methodology In Determining Net Winners to be served on counsel for the Trustee and all registered electronic filers appearing in this case using the Court's CM/ECF system.

Dated: June 4, 2020

/s/ Ilyas J. Rona

Ilyas J. Rona, Esq.