

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 FOR BRIEF MODIFICATION OF
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 for a brief modification of the Scheduling Order entered on June 4, 2020 (ECF No. 352 (*Domestic Matter*); ECF No. 507 (*International Matter*) ("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 data production delays, the Parties hereby request a slight modification of that Scheduling Order so that the deadline for Class Action Defendants to provide the Trustee with their expert report, which was set to July 15, 2020, be enlarged by fifteen (15) days to **July 31, 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 **September 15, 2020**.

4. The deadline to file a status report shall remain as **September 4, 2020**.

5. The parties have now exchanged all agreed-upon data and thus they do not anticipate seeking any further modifications of the above schedule.

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/ Charles R. Bennett

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/s/ Ilyas J. Rona

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*(Date and additional signatures
on following page)*

Dated: July 13, 2020

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

By their counsel,

/s/ Ilyas J. Rona

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CERTIFICATE OF SERVICE

I, Ilyas J. Rona, hereby certify that I have caused a copy of the Joint Motion for Brief Modification of 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: July 13, 2020

/s/ Ilyas J. Rona

Ilyas J. Rona, Esq.