

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re:

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

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

Plaintiff,

v.

CARLOS WANZELER, et al  
Defendants.

Chapter 11 Cases

14-40987-EDK  
14-40988-EDK  
14-40989-EDK

Substantively Consolidated

Adversary Proceeding  
No. 16-4032

**JUDGMENT (JAMES MERRILL)**

Upon consideration of the *Plaintiff's Motion by Trustee to Approve Stipulation of Settlement between the Liquidating Trustee and James Merrill* (the "Motion"), and Stephen Darr, the Liquidating Trustee ("Trustee") and Defendant James Merrill ("Merrill") having agreed to the form of judgment, no objections having been filed to the Motion, and due cause appearing to me therefore, and due notice of the Motion having been provided, it is hereby ORDERED and ADJUDGED as follows:

1. Judgment is hereby entered in favor of the Trustee against Merrill on Count Four of the Complaint in the amount of \$3,000,000 (the "Judgment Amount"). Interest on the Judgment Amount shall accrue at the federal judgment rate from the date hereof until the judgment has been satisfied.
2. All other Counts of the Complaint against Merrill shall be and hereby are



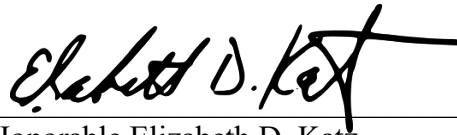
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dismissed with prejudice.

3. Any funds collected by the Trustee from either Carlos Wanzeler (“Wanzeler”) or Carlos Costa (“Costa”) on account of claims by the Trustee against either or both of them shall reduce the Judgment Amount by a sum equal to fifty percent (50%) of any amounts so recovered.

4. Notwithstanding the provisions of paragraph 3, the Trustee may recover the full amount of the then-outstanding Judgment Amount against Merrill and shall not be required to seek recovery, first, from either Wanzeler or Costa. In the event the Trustee shall recover some or all of the Judgment Amount from Merrill and subsequently recover amounts from either Wanzeler or Costa, Merrill shall not be entitled to any refund against amounts already paid to the Trustee.

Dated: December 6, 2022

  
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Honorable Elizabeth D. Katz  
United States Bankruptcy Judge