

PACHULSKI STANG ZIEHL & JONES LLP
Jeffrey N. Pomerantz (admitted *pro hac vice*)
John A. Morris (admitted *pro hac vice*)
Gregory V. Demo (admitted *pro hac vice*)
Jordan A. Kroop (admitted *pro hac vice*)
Hayley R. Winograd (admitted *pro hac vice*)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Tel: (310) 277-6910
Fax: (310) 201-0760

HAYWARD PLLC
Melissa S. Hayward
Texas Bar No. 24044908
MHayward@HaywardFirm.com
Zachery Z. Annable
Texas Bar No. 24053075
ZAnnable@HaywardFirm.com
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Tel: (972) 755-7100
Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P. and
the Highland Claimant Trust*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj11

**HIGHLAND’S EMERGENCY MOTION TO
EXPEDITE HEARING ON MOTION FOR STAY**

Highland Capital Management, L.P., the reorganized debtor in this Chapter 11 case (“**HCMLP**”) and the Highland Claimant Trust (the “**Claimant Trust**” and together with HCMLP, “**Highland**”), move the Court for an order expediting the hearing (the “**Motion to Expedite**”) on the *Motion to Stay Contested Matter [Docket No. 4000] or for Alternative Relief [Docket No. 4013]* (the “**Stay Motion**”), which seeks a stay of all proceedings in connection with the *Motion for Leave to File a Delaware Complaint [Docket No. 4000]* filed by Hunter Mountain Investment Trust (“**HMIT**”) on January 1, 2024 (the “**Delaware Motion for Leave**”).



The principal reason for the Stay Motion is to preserve judicial resources, avoid duplicative litigation, and save the Court and the parties time and effort. But if the Motion for Stay is not heard on an expedited basis, Highland will be required to oppose the Delaware Motion for Leave by January 23, 2024 (before the Court hears the Stay Motion), requiring this Court and the parties to bear the burdens of litigating the Delaware Motion for Leave that the Stay Motion is intended to alleviate. Because HMIT would not agree to stay the proceedings on the Delaware Motion for Leave, Highland respectfully requests an expedited hearing on the Stay Motion so that it is heard before Highland's January 23 deadline to oppose or otherwise respond to the Delaware Motion for Leave.¹

Expediting the hearing on the Stay Motion will not disadvantage any party. The issue raised in the Stay Motion is purely a legal one—no evidence is required for the Court to consider the Stay Motion (other than the Court taking judicial notice of items on its docket). If the Court grants the Stay Motion, it will save HMIT and Highland considerable time, effort, and expense that would otherwise be incurred in litigating the Delaware Motion for Leave. If the Court denies the Stay Motion, an expedited hearing on the Stay Motion will ensure that litigation on the Delaware Motion for Leave may continue unimpeded with only a brief delay.

Accordingly, Highland respectfully requests that the Court grant this motion to expedite the hearing on the Stay Motion so that the Stay Motion is heard as soon as practicable.

¹ Alternatively, if the Court denies the Stay Motion (a “**Denial Order**”), Highland respectfully requests that the Court simultaneously enter an order granting Highland an extension of time to respond to the Delaware Motion for Leave equal to 21 days from the date any Denial Order is entered.

Dated: January 16, 2024

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (admitted *pro hac vice*)
John A. Morris (admitted *pro hac vice*)
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10100 Santa Monica Boulevard, 13th Floor
Los Angeles, CA 90067
Tel: (310) 277-6910
Fax: (310) 201-0760
Email: jpomertantz@pszjlaw.com
jmorris@pszjlaw.com
gdemo@pszjlaw.com
jkroop@pszjlaw.com
hwinograd@pszjlaw.com

-and-

HAYWARD PLLC

/s/ Zachery Z. Annable

Melissa S. Hayward
Texas Bar No. 24044908
MHayward@HaywardFirm.com
Zachery Z. Annable
Texas Bar No. 24053075
ZAnnable@HaywardFirm.com
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Dallas, Texas 75231
Tel: (972) 755-7100
Fax: (972) 755-7110

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and the Highland Claimant Trust*

CERTIFICATE OF CONFERENCE

I hereby certify that, on January 14, 2024, John A. Morris, counsel for Highland Capital Management, L.P., wrote to HMIT's counsel and requested that counsel let Mr. Morris know by January 16, 2024 at 2:00 p.m. Central Time whether HMIT was opposed or unopposed to the relief requested in the foregoing Motion to Expedite. HMIT is **OPPOSED** to the relief requested in the Motion to Expedite.

/s/ Zachery Z. Annable
Zachery Z. Annable