

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*)  
Hayley R. Winograd (admitted *pro hac vice*)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Tel: (310) 277-6910

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

*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**

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In re:	)	Chapter 11
	)	
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	)	Case No. 19-34054-sgj11
	)	
Reorganized Debtor.	)	
	)	

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**APPELLEES' MOTION TO STRIKE ITEMS IMPROPERLY DESIGNATED AS  
PART OF THE RECORD ON APPEAL OF THE ORDER DENYING A STAY  
[DOCKET NO. 4333]**

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Highland Capital Management, L.P. ("Highland"), the reorganized debtor in the above-captioned chapter 11 case (the "Bankruptcy Case"), the Highland Claimant Trust (the "Claimant Trust"), and the Highland Litigation Sub-Trust (collectively, with Highland and the Claimant

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<sup>1</sup> Highland's last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



Trust, the “Appellees”), the appellees in the appeal of this Court’s *Memorandum Opinion and Order Regarding Stay Requests [Addressing DE ## 4326 & 4308]* [Docket No. 4333] (the “Stay Order”) being prosecuted by The Dugaboy Investment Trust (“Dugaboy” or “Appellant”), file this motion (the “Motion”) pursuant to Rule 8009(e) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) for entry of an order, substantially in the form attached as **Exhibit A** (the “Proposed Order”), striking certain items that Dugaboy improperly designated as part of the record on its appeal of the Stay Order. In support of their Motion, Appellees respectfully state as follows:

### **PRELIMINARY STATEMENT**<sup>2</sup>

1. Dugaboy improperly designated numerous items for inclusion in the record of its Appeal of the Court’s denial of the Stay Motion and these items should be stricken from the record. For instance, the Designations include documents that were not admitted into evidence or (apparently) considered by the Court when rendering its Stay Order, such as documents relating to the Recusal Proceedings, the Trust Extension Proceedings, and other documents that are irrelevant to the appeal of the Stay Order. For the reasons set forth herein, the Improper Items should be stricken from the record on Appeal.

### **RELEVANT BACKGROUND**

2. On May 19, 2025, Highland filed its *Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C § 363 Approving Settlement With the HMIT Entities and Authorizing Actions Consistent Therewith* [Docket No. 4216]. Objections were filed by Patrick Daugherty, [Docket No. 4229], Crown Global Life Insurance, Ltd., and the Dallas Foundation, [Docket No. 4231], and Dugaboy, [Docket No. 4230].

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<sup>2</sup> Capitalized terms not defined in this Preliminary Statement shall have the meanings ascribed to them below.

3. A hearing was held on June 25, 2025 and the Court entered the *Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. § 363 Approving Settlement Between the Highland Entities and the HMIT Entities and Authorizing Actions Consistent Therewith* [Docket No. 4297] (the “HMIT Settlement Order”). Dugaboy appealed the HMIT Settlement Order. [Docket No. 4311].

4. On July 17, 2025, Dugaboy filed *The Dugaboy Investment Trust’s Motion to Stay 9019 Order* [Docket No. 4326] (the “Stay Motion”) in which Dugaboy requested that the Court stay the HMIT Settlement Order for 90 days so that Dugaboy and other parties could investigate what it asserts was a fraud committed by an individual named Mark Patrick in connection with a Cayman Islands charitable foundation structure (the “Cayman Islands Charitable Foundation Structure”) that Mark Patrick manages. The Stay Motion was based almost entirely on a Complaint filed in the Cayman Islands by a Joint Official Liquidator on July 15, weeks after the hearing on the HMIT Settlement and just two days before Dugaboy filed the Stay Motion.

5. On July 21, 2025, the Court entered the *Memorandum Opinion and Order Regarding Stay Requests [Addressing DE ## 4326 & 4308]* [Docket No. 4333] (the “Stay Order”), in which the Court denied the Stay Motion.<sup>3</sup>

6. On August 4, 2025, Dugaboy filed its *Notice of Appeal of Order Regarding Stay Requests [Addressing DE ## 4326 & 4308]* [Docket No. 4353] (the “Appeal”).

7. Dugaboy’s Appeal was assigned to Judge Scholer of the United States District Court, Case No. 3:25-cv-02072-S.

8. On August 18, 2025, Dugaboy filed its *Statement of Issues to Be Presented and Designation of Items to Be Included in the Record on Appeal from the Bankruptcy Court’s Order*

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<sup>3</sup> The Stay Order also denied an informal request by the Texas Attorney General to stay the entire bankruptcy case. [See Docket No. 4308]. The Texas Attorney General did not appeal.

*Regarding Stay Requests [Addressing DE ## 4326 & 4308] [Docket No. 4374] (the “Initial Designations”).* On September 24, 2025, in response to a communication from the Clerk of the Court, [see Docket No. 4410], Dugaboy filed a modified version of the Initial Statement of Issues [Docket No. 4411] (the “Designations”).

9. Notwithstanding the modest record and the limited scope of the Stay Motion and the Stay Order, in the Designations, Dugaboy designated over 40 items to be included in the record on its Appeal, many of which are documents or concern issues that were not a part of the record or otherwise raised in connection with Stay Motion and the Stay Order.

10. For instance, the Designations include documents in connection with (a) the *Motion for an Order Further Extending Duration of Trusts* [Docket No. 4213] (the “Trust Extension Proceedings”); and (b) the Court’s *Order Denying Fifth Motion to Recuse* [Docket No. 4379] (the “Recusal Order”), as well as other recusal motions and orders filed over the course of this case (such recusal proceedings are referred to, collectively, with the Recusal Order, as the “Recusal Proceedings”).

11. Attached as **Exhibit 1** to the Proposed Order is a list of the improper Designations and Statement of Issues (collectively, the “Improper Items”).

### **ARGUMENT**

12. Bankruptcy Rule 8009(e)(1) provides: “If any difference arises about whether the record accurately discloses what occurred in the bankruptcy court, the difference must be submitted to and settled by the bankruptcy court and the record conformed accordingly. If an item has been improperly designated as part of the record on appeal, a party may move to strike that item.” Bankruptcy Rule 8009(e)(1) vests this Court with sole authority to consider such a motion.<sup>4</sup>

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<sup>4</sup> See *Lockwood v. GlassRatner Advisory & Cap. Grp. LLC (In re Lockwood Holdings Inc.)*, No. 4:21-cv-00456, 2024 U.S. Dist. LEXIS 30186, at \*6 (S.D. Tex. Feb. 22, 2024) (Rule 8009 “provides that the bankruptcy court resolves

13. In doing so, this Court should be guided by Fifth Circuit precedent, including the leading case of *Wooley v. Haynes & Boone, L.L.P. (In re SI Restructuring Inc.)*, in which the Fifth Circuit affirmed the district court’s affirmance of the bankruptcy court’s granting of a motion to strike “documents [designated] as part of the [appellate] record even though the documents were never properly admitted to this proceeding.”<sup>5</sup> Citing Bankruptcy Rule 8006 (the predecessor rule to Bankruptcy Rule 8009) and the Fifth Circuit’s earlier case of *Zer-Ilan v. Frankford (In re CPDC Inc.)*,<sup>6</sup> the Fifth Circuit held that because “the disputed evidence was not admitted as evidence before the bankruptcy court when it ruled on the ... motion,” those items were properly stricken from the appellate record.<sup>7</sup>

14. Even though Bankruptcy Rule 8009(e) uses slightly different language than its predecessor rule,<sup>8</sup> courts have maintained the vitality of the Fifth Circuit precedent of *SI Restructuring* and *CPDC* in considering motions to strike under the newer rule. For example, in *Carmichael*, the court observed that appellants “cannot use their designation to create a version of the appellate record that does not reflect [their] presentation of evidence in the Bankruptcy Court ... The Court’s primary concern is supplying the District Court with a record that ‘accurately discloses what occurred in the bankruptcy court.’ Fed. R. Bankr. P. 8009(e).”<sup>9</sup>

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disputes over designation of items to the record on appeal—not the district court to which an appeal is assigned”); *In re Digerati Techs., Inc.*, 531 B.R. 654, 660 (Bankr. S.D. Tex. 2015) (same).

<sup>5</sup> 480 F. App’x 327, 328 (5th Cir. 2012).

<sup>6</sup> 337 F.3d 436, 443 (5th Cir. 2003) (“Rule 8006 provides that the record on appeal from a bankruptcy court decision consists of designated materials that became part of the bankruptcy court’s record in the first instance. The rule does not permit items to be added to the record on appeal to the district court if they were not part of the record before the bankruptcy court.”).

<sup>7</sup> 480 F. App’x at 328.

<sup>8</sup> In *Digerati Technologies*, 531 B.R. at 660, the court noted that, because Rule 8009(e) was “fairly new” and had “no case law at this point interpreting this new rule,” it would “look to case law interpreting the predecessor to Rule 8009”—that is, former Bankruptcy Rule 8006 (which formed the basis for the ruling in *SI Restructuring*).

<sup>9</sup> See *Carmichael v. Blake (In re Imperial Petroleum Recovery Corp.)*, No. 13-30466, 2022 Bankr. LEXIS 32, at \*6–13 (Bankr. S.D. Tex. Jan. 7, 2022) (relying on *SI Restructuring* to strike designated items because the “items were not

15. Based on the foregoing, the Bankruptcy Court should strike the Improper Items from the record because the Court never considered them when rendering the Stay Order.

16. Dugaboy's attempt to introduce documents on appeal concerning its never-ending attempt to recuse Judge Jernigan is particularly egregious since (a) Dugaboy never challenged Judge Jernigan's impartiality or moved to recuse her in connection with the Stay Motion (and therefore never gave the Court an opportunity to address any concerns Dugaboy supposedly had), and (b) Dugaboy is obviously (and improperly) trying to get recusal issues addressed on a direct appeal of a final order (*i.e.*, the Stay Order) even though the Court's Recusal Order is interlocutory—something Dugaboy has been told time and again by the District Court.

17. Conversely, Appellee would be severely prejudiced by the inclusion of the Improper Items because Dugaboy would (a) improperly obtain appellate consideration of an interlocutory order (*i.e.*, the Recusal Order), and (b) otherwise use the Improper Items to challenge the Order even though this Court never considered those items—in other words, including those Improper Items would fail to “supply[ ] the District Court with a record that ‘accurately discloses what occurred in the bankruptcy court,’” giving Dugaboy an unwarranted advantage and distorting the appellate proceedings.

18. Dugaboy appears to be attempting to include in the record documents and information that have nothing to do with the actual appeal, all in an effort to support irrelevant arguments or issues that were never preserved for appeal. *See* Docket No. 4374 at 1-2 (Statement of Issues to be Presented on Appeal). The Court should take a scalpel to the Designations and

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admitted into evidence at trial or explicitly accepted as proffers” and rejecting that “each item’s filing is sufficient to warrant its inclusion in the appellate designation”); *see also Digerati Techs.*, 531 B.R. at 663 (holding that items not before the court and not considered by it in rendering its decision should not be included in the record).

extract the Improper Items on the grounds that they were never offered or admitted into evidence or considered by the Court.

**PRAYER**

WHEREFORE, Appellees respectfully request that the Court (i) enter the Proposed Order granting the Motion and (ii) grant Appellees such further and additional relief as the Court deems necessary and appropriate.

DATED: October 29, 2025

**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*)

Hayley R. Winograd (admitted *pro hac vice*)

10100 Santa Monica Boulevard, 13th Floor

Los Angeles, CA 90067

Tel: (310) 277-6910

Fax: (310) 201-0760

Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)

[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)

[gdemo@pszjlaw.com](mailto:gdemo@pszjlaw.com)

[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)

-and-

**HAYWARD PLLC**

/s/ Melissa S. Hayward

Melissa S. Hayward

Texas Bar No. 24044908

[MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com)

Zachery Z. Annable

Texas Bar No. 24053075

[ZAnnable@HaywardFirm.com](mailto: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*

**CERTIFICATE OF CONFERENCE**

Dugaboy opposes the relief requested because it has not completed its review of the items subject to the Motion but offered to confer next week in an effort to narrow any dispute.

*/s/ John A. Morris*

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John A. Morris



**EXHIBIT A**

**Proposed Order**

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

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In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.  
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Chapter 11

Case No. 19-34054-sgj11

**ORDER STRIKING ITEMS  
IMPROPERLY DESIGNATED AS PART OF THE RECORD ON APPEAL**

Upon consideration of *Appellees' Motion to Strike Items Improperly Designated as Part of the Record on Appeal* [Docket No. \_\_\_\_] (the "Motion")<sup>2</sup> filed by the Highland Claimant Trust; and the Court having found that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and Federal Rule of Bankruptcy Procedure 8009(e); (b) this is a core

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<sup>1</sup> The last four digits of the Reorganized Debtor's taxpayer identification number are 8357. The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings ascribed to such terms in the Motion.

proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; (d) notice of the Motion was proper and sufficient under the circumstances and no further or additional notice need be given; and (e) the factual and legal bases set forth in the Motion establish sufficient cause for the relief granted in this Order; after due deliberation, **IT IS ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Improper Items set forth on **Exhibit 1** are stricken from the record on Dugaboy's appeal of the Stay Order, and the Clerk of the Court is directed to take all steps necessary to effectuate this provision.
3. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

###End of Order###

**EXHIBIT 1**

**LIST OF IMPROPER ITEMS TO BE STRICKEN  
FROM THE RECORD ON THE APPEAL OF THE STAY ORDER**

<b>Date Filed</b>	<b>Docket No.</b>	<b>Description/Docket Text</b>
3/18/2021	2060	Motion to recuse Judge Jernigan Filed by Interested Party James Dondero (Lang, Michael)
3/18/2021	2061	Brief in support filed by Interested Party James Dondero (RE: related document(s) 2060 Motion to recuse Judge Jernigan). (Lang, Michael)
3/18/2021	2062	Support/supplemental document Appendix to Motion to Recuse filed by Interested Party James Dondero (RE: related document(s)2060 Motion to recuse Judge Jernigan). (Lang, Michael)
3/23/2021	2083	Order denying motion to recuse (related document #2060) Entered on 3/23/2021. (Okafor, M.)
4/6/2021	2169	Amended notice of appeal filed by Interested Party James Dondero (RE: related document(s)2149 Notice of appeal). (Lang, Michael)
4/15/2022	2205	Statement of issues on appeal, filed by Interested Party James Dondero (RE: related document(s)2083 Order on motion to recuse Judge). (Lang, Michael)
4/15/2021	2206	Appellant designation of contents for inclusion in record on appeal filed by Interested Party James Dondero (RE: related document(s)2169 Amended notice of appeal). Appellee designation due by 04/29/2021. (Lang, Michael)
2/9/2022	3264	DISTRICT COURT MEMORANDUM OPINION AND ORDER - The Recusal Order is not a final, appealable order, is not subject to the collateral order doctrine, and is not an appealable interlocutory order under § 1292 (a) and the Court is without jurisdiction over this appeal of the Bankruptcy Court's Recusal Order. The Court further denies Appellants leave to appeal the Recusal Order under § 1292 (b), denies Appellants' request to withdraw the reference of their motion to recuse, and denies Appellants' request to construe their appeal as a petition for writ of mandamus. Accordingly, the Court dismisses this appeal for lack of jurisdiction. (Ordered by Judge Ed Kinkeade on 2/9/2022). Civil Action number:3:21-cv-00879-K, DISMISSED for lack of jurisdiction (RE: related document(s)2083 Order on motion to recuse Judge). Entered on 2/9/2022 (Whitaker, Sheniqua) Modified on 2/25/2022 (Whitaker, Sheniqua). (Entered: 02/25/2022)
7/20/2022	3406	Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support Filed by Interested Party James Dondero

Date Filed	Docket No.	Description/Docket Text
		(Attachments: #1 Appendix Appendix (Lang, Michael) Modified text on 7/21/2022 (Ecker, C.).
8/1/2022	3422	Notice of hearing on Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero (RE: related document(s)3406 Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support Filed by Interested Party James Dondero (Attachments: # 1 Appendix Appendix) (Lang, Michael) Modified text on 7/21/2022(Ecker, C.).). Hearing to be held on 8/31/2022 at 09:30 AM at <a href="https://us-courts.webex.com/meet/jerniga">https://us-courts.webex.com/meet/jerniga</a> for 3406, (Lang, Michael)
8/15/2022	3444	Response opposed to (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) filed by Debtor Highland Capital Management, L.P.. (Attachments: #1 Exhibit A (Annable, Zachery)
8/15/2022	3445  <i>[to be submitted to Clerk on flash drive]</i>	Exhibit List (Appendix in Support of Highland Capital Management, L.P.'s Objection to Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 USC 455 and Brief in Support) filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3444 Response). (Attachments: #1 Exhibit 1 , #2 Exhibit 2 , #3 Exhibit 3 , #4 Exhibit 4 , #5 Exhibit 5 , #6 Exhibit 6 , #7 Exhibit 7 , #8 Exhibit 8 , #9 Exhibit 9 , #10 Exhibit 10 , #11 Exhibit 11 , #12 Exhibit 12 , #13 Exhibit 13 , #14 Exhibit 14 , #15 Exhibit 15 , #16 Exhibit 16 , #17 Exhibit 17 , #18 Exhibit 18 , #19 Exhibit 19 , #20 Exhibit 20 , #21 Exhibit 21 , #22 Exhibit 22 , #23 Exhibit 23 , #24 Exhibit 24 , #25 Exhibit 25 , #26 Exhibit 26 , #27 Exhibit 27 , #28 Exhibit 28 , #29 Exhibit 29 , #30 Exhibit 30 , #31 Exhibit 31 , #32 Exhibit 32 , #33 Exhibit 33 , #34 Exhibit 34 , #35 Exhibit 35 , #36 Exhibit 36 , #37 Exhibit 37 , #38 Exhibit 38 , #39 Exhibit 39 , #40 Exhibit 40 , #41 Exhibit 41 , #42 Exhibit

Date Filed	Docket No.	Description/Docket Text
		42 , #43 Exhibit 43 , #44 Exhibit 44 , #45 Exhibit 45 , #46 Exhibit 46 , #47 Exhibit 47 , #48 Exhibit 48 , #49 Exhibit 49 , #50 Exhibit 50 , #51 Exhibit 51 , #52 Exhibit 52 , #53 Exhibit 53 , #54 Exhibit 54 , #55 Exhibit 55 , #56 Exhibit 56 , #57 Exhibit 57 , #58 Exhibit 58 , #59 Exhibit 59 , #60 Exhibit 60 , #61 Exhibit 61 , #62 Exhibit 62 , #63 Exhibit 63 , #64 Exhibit 64 , #65 Exhibit 65 , #66 Exhibit 66 , #67 Exhibit 67 , #68 Exhibit 68 , #69 Exhibit 69 , #70 Exhibit 70 , #71 Exhibit 71 , #72 Exhibit 72 , #73 Exhibit 73 , #74 Exhibit 74 , #75 Exhibit 75 , #76 Exhibit 76 , #77 Exhibit 77 , #78 Exhibit 78 , #79 Exhibit 79 , #80 Exhibit 80 , #81 Exhibit 81 , #82 Exhibit 82 , #83 Index 83 , #84 Exhibit 84 , #85 Exhibit 85 , #86 Exhibit 86 (Annable, Zachery)
8/15/2022	3446	Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) Filed by Debtor Highland Capital Management, L.P. (Annable, Zachery)
8/15/2022	3447	Declaration re: (Declaration of John A. Morris in Support of Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3446 Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capi). (Annable, Zachery)
8/17/2022	3456	Notice of hearing filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3446 Motion to strike (related document(s): 3406 Motion for leave

Date Filed	Docket No.	Description/Docket Text
		Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) Filed by Debtor Highland Capital Management, L.P., 3449 Motion to compel Lawyers' Depositions. Filed by Debtor Highland Capital Management, L.P. (Ecker, C.)). Hearing to be held on 8/31/2022 at 09:30 AM at <a href="https://us-courts.webex.com/meet/jerniga">https://us-courts.webex.com/meet/jerniga</a> for 3446 and for 3449, (Annable, Zachery)
8/22/2022	3463	Reply to (related document(s): 3444 Response filed by Debtor Highland Capital Management, L.P.) filed by Interested Party James Dondero. (Lang, Michael)
8/24/2022	3466	Amended Notice of hearing filed by Interested Party James Dondero (RE: related document(s)3406 Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support Filed by Interested Party James Dondero (Attachments: # 1 Appendix Appendix) (Lang, Michael) Modified text on 7/21/2022(Ecker, C.), 3446 Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) Filed by Debtor Highland Capital Management, L.P., 3449 Motion to compel Lawyers' Depositions. Filed by Debtor Highland Capital Management, L.P. (Ecker, C.), 3462 Order converting the August 31, 2022 at 9:30 AM Hearing on (A) The motion for final appealable order and supplement to motion to recuse and (B) related motions to strike and compel to a preliminary status/scheduling conference (RE: related document(s)3406 Motion for leave filed by Interested Party



Date Filed	Docket No.	Description/Docket Text
		James Dondero, 3446 Motion to strike document filed by Debtor Highland Capital Management, L.P., 3449 Motion to compel filed by Debtor Highland Capital Management, L.P.). Entered on 8/19/2022 (Ecker, C.)). Status Conference to be held on 8/31/2022 at 09:30 AM at <a href="https://us-courts.webex.com/meet/jerniga">https://us-courts.webex.com/meet/jerniga</a> . (Lang, Michael)
8/26/2022	3470	Amended motion for final appealable order and proposed supplement to the record filed by Interested Party James Dondero (RE: related document(s)3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support). (Attachments: #1 <u>Appendix</u> (Lang, Michael) MODIFIED text to match PDF on 9/1/2022 (Ecker, C.)).
8/26/2022	3471	Stipulation by James Dondero and Highland Capital Management, L.P.. filed by Interested Party James Dondero (RE: related document(s)3446 Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capi, 3449 Motion to compel Lawyers' Depositions.)). (Lang, Michael)
9/1/2022	3479	Order denying amended motion of James Dondero, Highland Capital Management Fund Advisors, L.P., Nexpoint Advisors, L.P. The Dugaboy Investment Trust Get Good Trust and, Nexpoint Real Estate Partners, LLC, F/K/A HCRE Partners, A Delaware Limited Liability Company for final appealable order and supplement to motion to recuse pursuant to 28 U.S.C. Section 455 (RE: related document(s)3470 Brief filed by Interested Party James Dondero). Entered on 9/1/2022 (Okafor, Marcey)
9/1/2022	3480	Transcript regarding Hearing Held 08/31/2022 (27 pages) RE: Status Conference Re: Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 (#3406). THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE

Date Filed	Docket No.	Description/Docket Text
		GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING. TRANSCRIPT RELEASE DATE IS 11/30/2022. Until that time the transcript may be viewed at the Clerk's Office or a copy may be obtained from the official court transcriber. Court Reporter/Transcriber Kathy Rehling, kathyrehlingtranscripts@gmail.com, Telephone number 972- 786-3063. (RE: related document(s) 3478 Hearing held on 8/31/2022. (RE: related document(s)3406 Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support, filed by Interested Party James Dondero.) (Appearances: M. Lang for Movants; J. Pomeranz for Reorganized Debtor. Nonevidentiary status conference. Based on discussions with counsel at status conference as to what actual relief is being sought, the motion (even as currently amended) will be denied as procedurally defective. This is without prejudice to movants filing a new motion pursuant to Rule 54 seeking the simple relief of having the last sentence of this courts 3/23/21 order deleted, or a new motion to recuse, if Movants have any desire to supplement the record. Court to issue order.)). Transcript to be made available to the public on 11/30/2022. (Rehling, Kathy)
9/27/2022	3541	Motion to recuse Judge Stacey G. C. Jernigan Filed by Interested Party James Dondero (Lang, Michael)
9/72/2022	3542	Brief in support filed by Interested Party James Dondero (RE: related document(s)3541 Motion to recuse Judge Stacey G. C. Jernigan). (Attachments: #1 Appendix (Lang, Michael)
10/14/2022	3567	Agreed Scheduling Order on renewed motion to recuse (related document #3541) Entered on 10/14/2022. (Okafor, Marcey)
10/17/2022	3570	Motion to recuse Judge Stacey G. C. Jernigan - AMENDED Filed by Interested Party James Dondero (Lang, Michael)
10/17/2022	3571	Brief in support filed by Interested Party James Dondero (RE: related document(s)3570 Motion to recuse Judge Stacey G. C. Jernigan - AMENDED). (Attachments:

Date Filed	Docket No.	Description/Docket Text
		#1 Appendix (Lang, Michael)
10/31/2022	3595	Response opposed to (related document(s): 3541 Motion to recuse Judge Stacey G. C. Jernigan filed by Interested Party James Dondero, 3570 Motion to recuse Judge Stacey G. C. Jernigan - AMENDED filed by Interested Party James Dondero) filed by Debtor Highland Capital Management, L.P.. (Annable, Zachery)
10/31/2022	3596  <i>[to be submitted to Clerk on flash drive]</i>	Support/supplemental document (Appendix in Support of Highland's Objection to Renewed Motion to Recuse Pursuant to 28 U.S.C. 455 and Brief in Support) filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3595 Response). (Attachments: #1 Exhibit 1 , #2 Exhibit 2 , #3 Exhibit 3 , #4 Exhibit 4 , #5 Exhibit 5 , #6 Exhibit 6 , #7 Exhibit 7 , #8 Exhibit 8 , #9 Exhibit 9 , #10 Exhibit 10 , #11 Exhibit 11 , #12 Exhibit 12 , #13 Exhibit 13 , #14 Exhibit 14 , #15 Exhibit 15 , #16 Exhibit 16 , #17 Exhibit 17 , #18 Exhibit 18 , #19 Exhibit 19 , #20 Exhibit 20 , #21 Exhibit 21 , #22 Exhibit 22 , #23 Exhibit 23 , #24 Exhibit 24 , #25 Exhibit 25 , #26 Exhibit 26 , #27 Exhibit 27 , #28 Exhibit 28 , #29 Exhibit 29 , #30 Exhibit 30 , #31 Exhibit 31 , #32 Exhibit 32 , #33 Exhibit 33 , #34 Exhibit 34 , #35 Exhibit 35 , #36 Exhibit 36 (Annable, Zachery)
3/3/2023	3673	Brief in support filed by Interested Party James Dondero (RE: related document(s)3570 Motion to recuse Judge Stacey G. C. Jernigan - AMENDED). (Lang, Michael)
3/6/2023	3675	Memorandum of Opinion and Order Denying Amended Renewed Motion to Recuse Pursuant to 28 U.S.C. Section 455 (RE: related document(s)3570 Motion to recuse Judge filed by Interested Party James Dondero). Entered on 3/6/2023 (Okafor, Marcey)
3/6/2023	3676	Order Denying Amended Renewed Motion to Recuse Pursuant to U.S.C. Section 455 (related document #3570) Entered on 3/6/2023. (Okafor, Marcey)
6/23/2025	4271	Amended Witness and Exhibit List filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s)4253 List (witness/exhibit/generic)). (Attachments:

Date Filed	Docket No.	Description/Docket Text
		#1 Exhibit 66, #2 Exhibit 67 (Annable, Zachery)
6/24/2025	4279	Witness and Exhibit List with Respect to Hearing to be Held on June 25, 2025 filed by Partner Dugaboy Investment Trust (RE: related document(s)4213 Motion to extend time to (Motion for an Order Further Extending Duration of Trusts) (RE: related document(s)4144 Order on motion to extend/shorten time)). (Attachments: #1 Exhibit 1 (Deutsch-Perez, Deborah)
6/27/2025	4290	Stipulation by Highland Claimant Trust, Highland Litigation Sub- Trust and The Dugaboy Investment Trust. filed by Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s)4223 Objection). (Annable, Zachery)
7/7/2025	4304	Order withdrawing Emergency Motion for Leave to File Adversary Proceeding [Dkt. 3699] with prejudice (RE: related document(s)4299 Motion to withdraw document filed by Interested Party Hunter Mountain Trust, Creditor Hunter Mountain Investment Trust). IT IS THEREFORE ORDERED that the proceedings defined in the Dismissal Motion as: Hunter Mountain Investment Trust v. Highland Cap. Mgmt., L.P., Case No. 3:23-cv-02071-E (N.D. Tex.), on remand to the Bankruptcy Court (including Hunter Mountain Investment Trusts Emergency Motion for Leave to File Adversary Proceeding filed at Bankruptcy Court Docket No. 3699 and all proceedings, decisions, and orders relating thereto), are dismissed with prejudice. Entered on 7/7/2025 (Okafor, M.)
8/15/2025	4372	Motion to recuse Judge Filed by Interested Parties James Dondero, NexPoint Advisors, L.P., NexPoint Asset Management, L.P., NexPoint Real Estate Advisors, L.P., The Dugaboy Investment Trust, The Get Good Non Exempt Trust No 2 (Attachments: #1 Proposed Order (Harper, Geoffrey)
9/2/2025	4379	Order denying fifth motion to recuse judge (related document #4372) Entered on 9/2/2025. (Okafor, M.)
9/16/2025	4396	Notice of appeal. Fee Amount \$298 filed by Partner

Date Filed	Docket No.	Description/Docket Text
		Dugaboy Investment Trust (RE: related document(s)4379 Order on motion to recuse Judge). Appellant Designation due by 09/30/2025. (Attachments: # 1 Exhibit A)(Harper, Geoffrey)
9/18/2025	4403	4403 Hearing held on 9/18/2025. (RE: related document(s) 4362 Motion to allow claims (Motion for Order Fixing Allowed Amount of Class 11 Interests) filed by Other Professional Highland Claimant Trust (Appearances: J. Morris for Reorganized Debtor; G. Harper for Dugaboy. Evidentiary hearing. Motion approved. Counsel to upload order.) (Edmond, Michael) (Entered: 09/22/2025)