



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed October 16, 2020

United States Bankruptcy Judge

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

In re:	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	§	Case No. 19-34054-sgj11
Debtor.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff,	§	
v.	§	Adversary No. 20-03107-sgj
PATRICK HAGAMAN DAUGHERTY,	§	
Defendant.	§	

**ORDER APPROVING  
STIPULATION AND SCHEDULING OF PRE-TRIAL MATTERS**

<sup>1</sup> The last four digits of the Debtor's taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.



Having considered the *Stipulation and Proposed Scheduling Order* [Adv. Docket No. 9] (the “Stipulation”),<sup>2</sup> a copy of which is attached hereto as **Exhibit A**, filed by Highland Capital Management, L.P. (the “Debtor”) and Patrick Hagaman Daugherty (“Daugherty”, and together with the Debtor, the “Parties”), **IT IS HEREBY ORDERED THAT:**

1. The Stipulation is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. In lieu of the pre-trial schedule set forth in the Court’s Alternative Scheduling Order, all pre-trial matters in this Adversary Proceeding shall be governed by the following schedule (the “Pre-Trial Schedule”) agreed to by the Parties:

<i>Pre-Trial Schedule</i>	
<u>Event</u>	<u>Deadline</u>
1. Deadline to Answer or Otherwise Respond to Complaint	December 1, 2020
2. Service of Written Discovery Requests	December 31, 2020
3. Service of Written Responses to Discovery	February 22, 2021
4. Completion of Fact Discovery	March 22, 2021
5. Completion of Expert Discovery	April 19, 2021
6. Dispositive Motions	April 19, 2021
7. Exhibit and Witness Lists	May 19, 2021
8. Joint Pretrial Order	May 28, 2021
9. Proposed Findings of Fact and Conclusions of Law	May 28, 2021
10. Trial Docket Call	June 14, 2021 at 1:30 p.m. (CT)

4. The foregoing Pre-Trial Schedule shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

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

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

###End of Order###

**EXHIBIT A**

PACHULSKI STANG ZIEHL & JONES LLP  
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Ira D. Kharasch (CA Bar No. 109084) (*admitted pro hac vice*)  
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*Counsel for the Debtor and Debtor-in-Possession*

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

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	
	§	Adversary No. 20-03107-sgj
v.	§	
	§	
PATRICK HAGAMAN DAUGHERTY,	§	
	§	
Defendant.	§	
	§	

<sup>1</sup> The last four digits of the Debtor's taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

## **STIPULATION AND PROPOSED SCHEDULING ORDER**

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This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and Patrick Hagaman Daugherty (“Daugherty” and together with the Debtor, the “Parties”), by and through their respective undersigned counsel.

### **RECITALS**

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of the Debtor’s bankruptcy case (the “Bankruptcy Case”) to this Court [Docket No. 186];<sup>2</sup>

WHEREAS, on March 2, 2020, the Court entered its *Order (I) Establishing Bar Dates for Filing Claims and (II) Approving the Form and Manner of Notice Thereof* [Docket No. 488] (the “Bar Date Order”),<sup>3</sup> which, among other things, established April 8, 2020 at 5:00 p.m. Central Time (the “General Bar Date”), as the deadline for all entities holding claims against the Debtor that arose before the Petition Date to file proofs of claim;

WHEREAS, on April 6, 2020, Daugherty filed a general unsecured proof of claim in the amount of “[a]t least \$37,483,876.62”, which the Debtor’s claims agent denoted as claim number 77 (“Claim No. 77”);

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<sup>2</sup> All docket numbers refer to the dockets maintained by this Court for the Bankruptcy Case and the above-captioned adversary proceeding (the “Adversary Proceeding”).

<sup>3</sup> Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Bar Date Order.

WHEREAS, on August 31, 2020, the Debtor filed the *Debtor's (I) Objection to Claim No. 77 of Patrick Hagaman Daugherty and (II) Complaint to Subordinate Claim of Patrick Hagaman Daugherty* [Adv. Docket No. 1] (the "Complaint");

WHEREAS, on September 1, 2020, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Adv. Docket No. 3] (the "Alternative Scheduling Order");

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed schedule and address related matters, all as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following schedule (the "Proposed Joint Scheduling Order") in lieu of that provided in the Alternative Scheduling Order:

<b><i>Proposed Joint Scheduling Order</i></b>	
<u>Event</u>	<u>Deadline</u>
1. Deadline to Answer or Otherwise Respond to Complaint	December 1, 2020
2. Service of Written Discovery Requests	December 31, 2020
3. Service of Written Responses to Discovery	February 22, 2021
4. Completion of Fact Discovery	March 22, 2021
5. Completion of Expert Discovery	April 19, 2021
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7. Exhibit and Witness Lists	May 19, 2021
8. Joint Pretrial Order	May 28, 2021
9. Proposed Findings of Fact and Conclusions of Law	May 28, 2021
10. Trial Docket Call	June 14, 2021 at 1:30 p.m. (CT)

2. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

*[Remainder of Page Intentionally Blank]*



Dated: October 15, 2020.

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*Counsel for Patrick Hagaman Daugherty*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on October 15, 2020, true and correct copies of the foregoing document were served on the parties listed below via electronic service at the e-mail addresses listed.

/s/ Zachery Z. Annable  
Zachery Z. Annable, Esq.

<p><b>Counsel for Patrick Hagaman Daugherty:</b></p> <p>Mr. Jason Kathman Pronske &amp; Kathman, P.C. 2701 Dallas Parkway, Suite 590 Plano, Texas 75093 jkathman@pronskepc.com</p> <p><i>(via electronic service)</i></p>	
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