Case 19-34054-sgj11 Doc 1505 Filed 12/03/20 Entered 12/03/20 10:40:12 Page 1 of A Docket #1505 Date Filed: 12/03/2020

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

In re:

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

Debtor.

Chapter 11

Case No. 19-34054 (SGJ)

### DEBTOR'S NOTICE OF AFFIDAVIT OF PUBLICATION OF THE NOTICE OF: (I) ENTRY OF ORDER APPROVING DISCLOSURE STATEMENT; (II) HEARING TO CONFIRM PLAN; AND (III) RELATED IMPORTANT DATES IN THE NEW YORK TIMES

This Affidavit of Publication includes the sworn statement verifying that the Notice of (I) Entry of Order Approving Disclosure Statement; (II) Hearing to Confirm Plan; and (III) Related Important Dates was published and incorporated by reference herein as follows:

1. In the New York Times on December 3, 2020, attached hereto as Exhibit A.

Dated: December 3, 2020

<u>/s/ Vincent Trang</u> Vincent Trang KCC 222 N Pacific Coast Highway, Suite 300 El Segundo, CA 90245

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



# **EXHIBIT** A



## PROOF OF PUBLICATION

December 03, **20** 20

### The New York Eimes

I, Shannon Schmidt, in my capacity as a Principal Clerk of the Publisher of a daily newspaper of general circulation printed and published in the City, County and State of New York, hereby certify that the advertisement annexed hereto was published in the editions of

The New york Times on the following date or dates, to wit on

December 03, 2020- pg. B3 (NYT & Natl)

Sworn to me this 3rd day of December, 2020

Ellen Herb

**Notary Public** 

Ellen Herb Notary Public, State of New York No. 01 HE 61 63785 **Oualified in New York County** Commission Expires April 2, 2023 IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION In re:HIGHLAND CAPITAL MANAGEMENIL, L. C. Case No. 19-34054-sgj11 Debtor.

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Central Expy, Ste. 106, Dallas, Texas 75231, Tel: (972) 755-7100, Fax: (972) 755-7110, Counsel for the Debtor and Debtor-in-Possession

GOVERNMENT

# After Biden's Win, Nation's Republicans Fear the Economy Ahead

FROM FIRST BUSINESS PAGE were in October to say they expected "continuous good times economically over the next five years."

Republicans were actually more likely to say that they were doing well in November, compared to October. But nearly three in four said they expected "periods of widespread unemployment or depression" in the next several years, up from three in 10 in October.

Nancy Veits, a Republican voter in Los Angeles County, said the economy was a major factor in her decision to vote for Mr. Trump. A retired small-business owner, Ms. Veits, 81, said that she appreciated the president's commitment to deregulation — and that she feared for the economy after his departure.

"The economy was working," she said. "I think that under Biden it's going to be more difficult."

David Keyston, a survey respondent in Waco, Texas, has a similar set of concerns. He runs his own nonprofit business distributing books about alternative health and healing. Business was good before the pandemic, he said, and has actually improved since the virus began to spread.

Mr. Keyston, 66, said that he didn't like Mr. Trump's penchant for Twitter or his demeanor in office. But he said he liked many of Mr. Trump's policies, like his tax cuts and his promise to build a border wall and to keep the United States out of wars. And he said Mr. Trump had managed the economy well both before and during the pandemic.

"I think he's tried under the circumstances to do the best he can to maintain some level of economic stability," he said.

Now, Mr. Keyston's outlook has turned more dour. He worries that Mr. Biden will impose new restrictions that will cripple the economy, including a nationwide lockdown, a charge that Mr. Trump repeatedly leveled against Mr. Biden, though Mr. Biden did not call for such a lockdown.

"A lockdown will kill this country," Mr. Keyston said.

Big partisan shifts in confidence have become common following elections in recent decades. Republicans' economic sentiment fell when Barack Obama was elected president in 2008, then soared when Mr. Trump was elected in 2016. Republicans' self-



reported confidence remained she well above Democrats' for the entire Trump administration, until the election caused the pattern to

reverse again. "It reflects what we've seen in the survey data the whole time, which is that everyone is tying their own political beliefs to their views of the economy," said Laura Wronski, a research scientist for SurveyMonkey. "It's just kind of crazy to see how entrenched these beliefs are."

Democrats' views of the economy have also shifted after elections, but generally less than Republicans', a pattern that was particularly stark this year. Ms. Wronski said enthusiasm among Democrats might have been tempered because they did not see the election as an unmitigated victory.

Janet Garrow, a survey respondent in Seattle, said that she thought Mr. Biden would do a better job with the economy than Mr. Trump, but that she didn't expect a quick rebound from the pandemic-induced recession.

"I think the economic impact is devastating, and it's going to take people decades to recover," she said.

A retired judge, Ms. Garrow, 67, said her own finances are stable. But she said the economy wasn't working for many Americans even before the pandemic.

"There was a lot of stagnation,"

she said. "Sure, you might have had a job, but did your wage or your salary go up with what your cost of living really was?"

Ms. Garrow, a Democrat, said she supported many of Mr. Biden's signature policy proposals, such as raising taxes on the wealthy and making public colleges free to students from middle-class families.

Perhaps more surprising, some of Mr. Biden's proposals earn support from Republican voters. More than four in 10 Republicans support raising taxes on people earning more than \$400,000 a year. Three-quarters of Republicans support a proposal to guarantee paid sick leave to workers during the coronavirus pandemic.

Liberal economists with links to Mr. Biden say the results show the popularity of his plans and the challenges of reaching out to supporters of Mr. Trump whose economic hopes were low before he won the 2016 election.

"We live in a country where, for all of our lives, we have seen economic inequality increase across incomes, across wealth, across firms," said Heather Boushey, an economist whom Mr. Biden said on Monday he would name to his Council of Economic Advisers. "A lot of communities have been left behind. People have become frustrated."

"One of the things about Donald

Trump is he acknowledged that reality," she said. "It would be important for people on both sides of the aisle to continue to acknowledge that."

William Spriggs, the chief economist for the A.F.L.-C.I.O. labor federation, said that the polling reflected the "partisan politics" now embedded in economic confidence surveys, and that it offered a message to Mr. Biden on the importance of pushing for policies like paid leave that have attracted Republican opposition in Washington.

"We absolutely need it, on a zillion levels," Mr. Spriggs said. "I think this is going to be the challenge for the administration — because things like this, which Americans understand are common sense, doesn't mean it's politically feasible. The Republicans who are in office thumb their nose at these polls. The issue is, will the administration take them on?"

George R. Hood, a respondent in Kentucky who identified as as a moderate, said the country needed to invest more in public health, education and other priorities, and he said it made sense to raise taxes on corporations and the wealthy in order to pay for that spending.

"I just don't see the socioeconomic situation improving unless we're willing to spend a little more money," he said.

#### Winning Issues



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#### Sharp Reversal

Share of respondents saying they expect to be betteroff financially a year from now

80%



Responses of 'no answer' not shown. | Source: SurveyMonkey THE NEW YORK TIMES

About the survey: The data in this article came from an online survey of 3,477 adults conducted by the polling firm SurveyMonkey from Nov. 9 to Nov. 15. The company selected respondents at random from the nearly three million people who take surveys on its platform each day. Responses were weighted to match the demographic profile of the population of the United States. The survey has a modeled error estimate (similar to a margin of error in a standard telephone poll) of plus or minus 2.5 percentage points, so differences of less than that amount are statistically insignificant.

# House Passes Bill to Audit



Democrats on House Panel Blast Mnuchin Over End of Fed Programs

## Chinese Firms Listed in U.S.

## By ANA SWANSON and KEITH BRADSHER

WASHINGTON — The House of Representatives passed legislation on Wednesday that would increase oversight of Chinese companies listed on American stock markets, the latest attempt by the United States to scrutinize financial ties with China.

The bill, the Holding Foreign Companies Accountable Act, would require the companies to disclose more information about any ties to foreign governments and the Chinese Communist Party, and would remove them from the U.S. exchanges after three years if they did not provide U.S. regulators access to their audit information.

The Senate passed a companion bill in May, and President Trump is expected to sign it into law.

Politicians from both parties have criticized the lack of transparency in the Chinese financial system, saying it could be putting American investors at risk of fraud. Chinese law restricts auditors from transferring certain company financial information out of the country, limiting its visibility to U.S. regulators.

Many major Chinese companies do not comply with American regulatory standards, including Baidu, China Mobile, PetroChina and the Semiconductor Manufacturing International Corporation, according to the Public Company Accounting Oversight Board, the U.S. auditing regulator. Under the new legislation, they could eventually be pushed off American stock exchanges if China does not change its financial practices.

Senator John Kennedy, the Louisiana Republican who sponsored the bill in the Senate, said U.S. policy had permitted China to "flout rules that American companies play by," creating a dangerous situation for American investors in public companies.

"Today, the House joined the Senate in rejecting a toxic status quo, and I'm glad to see this bill head to the president's desk," he said.

On Wednesday, before the vote, Hua Chunying, a spokeswoman for China's Foreign Ministry, said

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Lawmakers from both parties have criticized the lack of transparency in the Chinese financial system, saying it could put U.S. investors at risk of fraud.

the legislation showed that the United States "has adopted a discriminatory policy against Chinese companies" and that "the right way to solve the problem is for all parties concerned to strengthen cross-border regulatory cooperation in a frank and open manner."

People familiar with China's economic policymaking said Beijing officials were frustrated with the American stance on the issue.

China has tried hard for more than two years to reach a compromise, these people said, and perceives the issue as an all-or-nothing stance by the Trump administration in demanding extensive financial records from Chinese companies.

China is not that worried if the new legislation takes effect, these people said. The stock markets of Shanghai and Hong Kong are much larger and deeper than they were a generation ago, and valuations for many companies are often higher than in New York. So Chinese companies can raise money at home if the United States makes them unwelcome, they said.

Until recently, China's stock exchanges did have one important shortcoming: Only profitable companies were allowed to start selling shares. That meant fastgrowing but unprofitable companies, especially in the tech industry, often looked to the United States instead.

Two years ago, the Shanghai Stock Exchange created an additional market that does allow unprofitable but fast-growing companies to sell shares and obtain a listing. That market is the Science and Technology Innovation Board, usually known as the STAR market.

The Trump administration has passed a series of measures

aimed at severing economic ties between the United States and China, and it shows little sign of letting up in its final months.

Increasingly, those measures have focused on the financial investments that link the world's two largest economies. Last month, Mr. Trump issued an executive order prohibiting U.S. investment in a list of Chinese companies with ties to the military.

The Securities and Exchange Commission has also proposed regulations that would prohibit Chinese companies from conducting initial public offerings on American stock markets or delist Chinese companies that didn't comply with American auditing rules. Under pressure from the Trump administration, a federal retirement fund also halted plans to invest in Chinese companies.

On Wednesday, Customs and Border Protection also issued another round of restrictions barring imports of goods made with cotton from Xinjiang, the far western region where China has detained as many as a million Uighurs and other ethnic minorities in internment camps and prisons.

The administration has accused several companies of using forced labor to make their products and said Wednesday that it would block imports produced by the Xinjiang Production and Construction Corps, an economic and paramilitary group that plays an important role in Xinjiang's development, or its affiliates.

The corps is responsible for a substantial amount of cotton production in Xinjiang, which grows 85 percent of the cotton in China. It also runs detention facilities, U.S. customs officials said.

Ana Swanson reported from Washington, and Keith Bradsher from Beijing.

#### By JEANNA SMIALEK and ALAN RAPPEPORT

Treasury Secretary Steven Mnuchin was quizzed for a second day by lawmakers about his decision to end some of the Federal Reserve's emergency lending programs, with Mr. Mnuchin continuing to insist he was following congressional intent and that the effort was not political.

Mr. Mnuchin decided in November to end five of the Fed's emergency loan programs that had been backed by congressional funding — including ones that have been helping state and local governments and businesses to access credit. He also asked the Fed to return the money supporting the programs, which could limit his successor's ability to simply restart the programs at such a large scale.

The outgoing Treasury secretary has said it was the intent of Congress that the programs stop making loans and investments after Dec. 31. Democrats and several outside lawyers have been clear that they read the law differently.

In a second day of testimony on Capitol Hill, Mr. Mnuchin told the House Financial Services committee on Wednesday that he had spoken to Janet L. Yellen, his expected successor as Treasury secretary, as part of the transition process and that they had discussed his decision to end the facilities.

"I advised her that my reading and interpretation of this was nonpolitical," Mr. Mnuchin said, adding that he had a good working relationship with Ms. Yellen, who was Fed chair at the beginning of the Trump administration.

The Fed put out a statement after Mr. Mnuchin made his announcement last month, expressing dissatisfaction with the Treasury's decision to stop the market backstops. In a series of testy exchanges, Democrats blasted Mr. Mnuchin's decision as a misreading of the law and a direct attempt to prevent the incoming Biden administration from improving the Fed's lending programs.

At one point, Representative Katie Porter, a California Democrat, asked Mr. Mnuchin if he was a lawyer and accused him of "playacting" as one. The Treasury secretary said that he was advised by

plenty of lawyers.

Republicans, by contrast, backed up his contention that the facilities were always meant to end. Fed Chair Jerome H. Powell refused to weigh in on Mr. Mnuchin's legal reading at Wednesday's hearing, saying that it was the Treasury secretary's call to make, but made it clear that the central bank would have preferred for the programs to remain available as a backstop.

"We see them as serving a backstop function," Mr. Powell said. "We would want to leave that backstopping function in place for some additional period of time not forever."

Mr. Mnuchin has been urging Congress to use the money to fund small business relief or other measures that might support the economy. But that could add to the deficit in a way that the original funding did not. The \$454 billion that Congress appropriated in March was assumed to have little to no budget impact by the Congressional Budget Office since the money was supporting loans that would be repaid.

Both he and Mr. Powell sug-

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

In re: HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>) Chapter 11 Debtor. ) Case No. 19-34054-sgj1

#### NOTICE OF: (1) ENTRY OF ORDER APPROVING DISCLOSURE STATEMENT; (11) HEARING TO CONFIRM PLAN; AND (111) RELATED IMPORTANT DATES<sup>2</sup>

On November 24, 2020 the United States Bankruptcy Court for the Northern District of Texas (the "Bankruptcy Court") entered its Order (a) Approving the Adequacy of the Disclosure Statement (b) Scheduling A Hearing to Confirm the Fifth Amended Plan of Reorganization; (c) Establishing Deadline for Filing Objections to Confirmation of Plan; (d) Approving form of Ballots, Voting Deadline and Solicitation Procedures; and (e) Approving form and Manner of Notice (the "Disclosure Statement Order"). The Disclosure Statement Torder approved the Disclosure Statement for the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (the "Disclosure Statement"), as containing adequate information required under section 125(a) of the Bankruptcy Code, and authorized the Debtor to solicit acceptances of the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (the "Disclosure Statement"), as containing adequate information required under section 125(a) of the Bankruptcy Code, and authorized the Debtor to solicit acceptances of the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (the "Disclosure Statement"), as the Amended Plan of Reorganization of Highland Capital Management, L.P. (the "Disclosure Statement"), as the Bankruptcy Code, and authorized the Debtor to solicit acceptances of the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (the").

HEARING TO CONFIRM PLAN. A hearing to confirm the Plan (the "<u>Confirmation Hearing</u>") will commence on January 13, 2021, at 9:30 a.m., prevailing Central Time, before the Bankruptcy Court. The Confirmation Hearing may be continued from time to time by announcing such continuance in open court or otherwise, without further notice to parties in interest. The Bankruptcy Court, in its discretion and prior to the Confirmation Hearing, may put in place additional procedures governing the Confirmation Hearing.

Bucketonia and pino the Confirmation Hearing, may put in place additional procedures governing the Confirmation Hearing. PLAN OBJECTION DEADLINE. The Bankruptcy Court has established January 5, 2021, at 5:00 p.m., prevailing Central Time, as the last date and time for filing and serving objections to the confirmation of the Plan (the "Plan Objection Deadling"). All objections must state with particularity the legal and factual grounds for such objection.

In order to be considered by the Bankruptcy Court, objections, if any, must: (i) be in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Northern District of Texas; (iii) be filed with the United States Bankruptcy Court for the Northern District of Texas; and (iv) be served upon by the following parties: (a) coursel for the Debtor, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd, 13<sup>th</sup> Floor, Los Angeles, CA 90067, Attn: Leffrey N. Pomerantz, Ira D. Kharasch, and Gregory V. Demo, Emails: jpomerantz@pszjlaw.com, ikharasch@pszjlaw.com; (b) coursel for the Debtor, Hayward & Associates PLLC, 10501 N. Central Expy, Ste. 106, Dallas, Texas 75231, Attn: Melissa S. Hayward

gested that the economy was going to need more support from Congress in the months ahead, though lawmakers have been unable to reach agreement on the size and scope of another package.

Mr. Mnuchin said that his top priorities would be for Congress to give him permission to reactivate \$140 billion of unused Paycheck Protection Program money to help small businesses. He also expressed support for extending emergency unemployment insurance that will expire at the end of the year, and he said that he backed giving an additional \$20 billion of payroll support money to the airline industry.

Mr. Powell suggested that state and local governments, small business aid and unemployment insurance might be three important places for Congress to look to provide relief.

"We ought to remember that despite the rapid progress in getting people back to work, which is so welcome, there's still 10 million people out of work," Mr. Powell said. "There's a lot of work left to do there."

and Zachery Z. Annable, Emails: ZAnnable@HaywardFirm.com, MHayward@HaywardFirm.com; (c) counsel to the official committee of unsecured creditors, Sidley Austin LLP One South Dearborn Street, Chicago, Illinois 60603, Attr. Matthew A. Clemente and Alysa Russell, Emails: mclemente@sidley.com, Alysas.russell@sidley.com; and (d) counsel for the Office of the United States Trustee, U.S. Department of Justice, Region 6: Northern District of Texas, Office of The United States Trustee, Earle Cabell Federal Building, 1100 Commerce Street, Room 976, Dallas, TX 75242, Attr. Lisa L. Lambert, Email: Lisa.LLambert@ usdoj.gov(collectively.the"NoticeParties")

**VOTING RECORD DATE. November 23, 2020**, is the record date for purposes of determining which parties are entitled to vote on the Plan.

purposes of determining which parties are entitled to vote on the Plan. **VOTING DEADLINE. January 5, 2021** (the "<u>Voting Deadline</u>"), is the deadline for casting a ballot ("<u>Ballot</u>") to accept or reject the Plan. All Ballots accepting or rejecting the Plan must be received by the Notice and Balloting Agent by 5:00 p.m., prevailing Central Time, on the Voting Deadline at the following address, whether by First Class Mail, hand delivery, or overnight courier: HCMLP Ballot Processing Center, c/o KCC, 222 N. Pacific Coast Highway. Suite 300, El Segundo, CA 90245. If you require a Ballot, or if your Ballot is lost, damaged or destroyed, contact the Notice and Balloting Agent to obtain a replacement Ballot.

the Notice and saloting Agence voluant arepresentent bands. **RULE 2018 MOTION DEADLINE AND HEARING**, It shall be the responsibility of each party who files a motion for an order pursuant to Bankruptcy Rule 3018(a) seeking temporary allowance of a claim for voting purposes to (a) file such motion with evidence in support thereof and (b) schedule a hearing on such motion to occur on or prior to the Voting Deadline.

Wong Dealinie.
Dated: December 1, 2020, PACHULSKI STANG ZIEHL & JONES LLP, Jeffrey N. Pomerantz (CA Bar No.143717), Ira D. Kharasch (CA Bar No. 109084), Gregory V. Demo (IVI Bar No. 5371992), 10100 Santa Monica Boulevard, 1314 Floor Los Angeles, CA 90067, Telephone: (310) 277-6910, Facsimile: (310) 201-0760, Email: jpomerantz@psziJaw.com, ikharasch@psziJaw.com, gdemo@psziJaw.com - and - HATWARD & ASSOCIATES PLIC, (s/Zachery Z. Annable, Melisas S. Hayward, Texas Bar No. 24044908, MHayward@HaywardFirm.com, Zachery Z. Annable, Texas Bar No. 24043075, ZAnnable@HaywardFirm.com, ToS01 N. Central Expy; Sei. 106, Dallas, Ereas 75231, Tel-(27), 755-7110, Fax: (972).

#### If you require additional information, you may contact the Debtor's Solicitation Agent, KCC, by calling 877-573-3984 (U.S. and Canada) or 310-751-1829 (International), by email at HighlandInfo@kccllc.com, or through the case website: http://www.kccllc.net/HCMLP.

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

Capitalized terms have the meanings given to them in the Plan.