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

In re:)	
)	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P.)	
)	Case No. 19-34054 (SGJ11)
Debtors.)	
)	(Jointly Administered)
)	
HIGHLAND CAPITAL MANAGEMENT, L.P.,)	
)	
Plaintiff,)	
)	
v.)	Adv. Pro. No. 21-03000 (SGJ11)
)	
HIGHLAND CAPITAL MANAGEMENT FUND)	
ADVISORS, L.P., NEXPOINT ADVISORS, L.P.,)	
HIGHLAND INCOME FUND, NEXPOINT)	
STRATEGIC OPPORTUNITIES FUND,)	
NEXPOINT CAPITAL, INC., AND CLO)	
HOLDCO, LTD,)	
)	



Defendants.)
_____)

AGREED MOTION TO CONTINUE HEARING

Defendants Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., Highland Income Fund, NexPoint Strategic Opportunities Fund, and NexPoint Capital, Inc. (together, the “**Defendants**”), and Plaintiff Highland Capital Management, L.P. (the “**Debtor**,” and together with the Defendants, the “**Parties**”), hereby file this *Agreed Motion to Continue Hearing* (the “**Motion**”) requesting that the Court continue the hearing on Defendants’ *Motion to Dismiss Plaintiff’s Complaint* [Docket No. 43] (the “**Motion to Dismiss**”) from March 22, 2021 at 9:30 a.m. (Central Time) [See Docket No. 62] to March 29, 2021 at such time that is convenient to the Court, or as soon thereafter as the Court may determine. In support thereof, the Parties respectfully represent to the Court as follows:

1. The Parties respectfully request that the Court continue the hearing on the Motion to Dismiss from March 22, 2021 at 9:30 a.m. (Central Time) to March 29, 2021 at such time that is convenient to the Court, or as soon thereafter as the Court may determine.

2. On January 6, 2021, the Debtor filed its *Verified Complaint for Declaratory and Injunctive Relief* (the “**Complaint**”) against Defendants. On the same Date, the Debtor filed its *Emergency Motion for a Temporary Restraining Order and Preliminary Injunction against Certain Entities Owned and/or Controlled by Mr. James Dondero* [Docket No. 5] (the “**Injunction Motion**”).

3. With respect to the Injunction Motion, the Court has entered a series of agreed orders whereby the Parties have agreed to a temporary restraining order against the Defendants. Most recently, the Parties submitted their proposed *Agreed Order Further Extending Temporary Restraining Order*, pursuant to which the Parties have agreed to extend the temporary restraining

order through the earlier of the Effective Date of the Plan or the Court's entry of an order determining the Debtor's Injunction Motion.

4. Contemporaneously with the filing of this Motion, the Parties are also submitting requests to continue hearings on the Injunction Motion and on the *Application for Allowance of Administrative Expense Claim* [Docket No. 1826] (the "**Administrative Claim Application**") in the underlying bankruptcy proceeding. The Injunction Motion and the Complaint, and, accordingly, the Motion to Dismiss, as well as the Administrative Claim Application, involve similar parties, allegations and issues. Accordingly, the Parties believe that having all of these related matters heard by the Court on the same date is the most efficient and cost-effective use of the Court's and the Parties' time and resources.

5. Therefore, and in light of the Parties' consent, good cause exists to continue the hearing on the Motion to Dismiss.

6. This Motion is made in good faith and not for purposes of delay.

WHEREFORE, the Parties respectfully request that the Court grant the Motion and continue the hearing on the Motion to Dismiss to March 29, 2021, or such other date that the Court may determine, and grant such other and further relief that is just and necessary.

Dated: February 16, 2021

K&L GATES LLP

/s/ A. Lee Hogewood, III

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2021, I caused the foregoing document to be served via electronic email through the Court's CM/ECF system to the parties that have requested or consented to such service.

/s/ A. Lee Hogewood, III _____

A. Lee Hogewood, III