



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 February 24, 2021

*Henry G. C. Gomez*  
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,	§	Adversary Proceeding No.
	§	
vs.	§	21-03000-sgj
	§	
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.	§	
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**AGREED ORDER FURTHER EXTENDING TEMPORARY RESTRAINING ORDER**

<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.



WHEREAS, on January 13, 2021, the Court entered its *Agreed Order Granting Debtor's Motion for a Temporary Restraining Order against Certain Entities Owned and/or Controlled by Mr. James Dondero* [Docket No. 20] (the "Initial TRO") at the request of Highland Capital Management, L.P. (the "Plaintiff"). Capitalized terms used in this Order shall have the meanings ascribed to them in the Initial TRO;<sup>1</sup> and

WHEREAS, on February 9, 2021, the Court entered its *Agreed Order Extending Temporary Restraining Order* [Docket No. 64] (the "Extended TRO") and together with the Initial TRO, the "TRO").

By the signatures of their respective counsel below, the Plaintiff and the Defendants have agreed to the entry of this Order further extending the term of the TRO. Finding such agreement to be lawful and appropriate, it is hereby:

**ORDERED** that paragraph 4 of the Initial TRO is deemed deleted and replaced in its entirety with the following new paragraph 4: "This Order shall remain in effect until the earlier of: (a) the Effective Date of the Plan, or (b) the Court's entry of an order determining the Debtor's motion for a preliminary injunction against the Defendants in the above-referenced Adversary Proceeding, which the parties will seek to have heard on March 29, 2021, or as soon thereafter as the Court may determine (the earlier of the two foregoing dates, the "TRO Termination Date")"; and it is further

**ORDERED** that all other provisions of the TRO shall remain in effect until the TRO Termination Date.

### END OF ORDER ###

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<sup>2</sup> A sixth defendant, CLO Holdco, Ltd., reached an agreement with the Plaintiff that resolved all issues between that defendant and the Plaintiff raised in this Adversary Proceeding. Accordingly, that defendant is not subject to this Order.

**AGREED AS TO FORM AND SUBSTANCE:**

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*Counsel for Highland Capital Management Fund Advisors, L.P.,  
NexPoint Advisors, L.P., Highland Income Fund,  
NexPoint Strategic Opportunities Fund, and NexPoint Capital, Inc.*

United States Bankruptcy Court  
Northern District of Texas

Highland Capital Management, L.P.,  
Plaintiff  
Highland Capital Management Fund Advisor,  
Defendant

Adv. Proc. No. 21-03000-sgj

**CERTIFICATE OF NOTICE**

District/off: 0539-3  
Date Rcvd: Feb 25, 2021

User: tbradden  
Form ID: pdf001

Page 1 of 2  
Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 27, 2021:**

Recip ID	Recipient Name and Address
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996

TOTAL: 1

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.ty.ecf@usdoj.gov	Feb 25 2021 21:33:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+ Email/Text: ustpreion07.hu.ecf@usdoj.gov	Feb 25 2021 21:33:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Feb 25 2021 21:33:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

**BYPASSED RECIPIENTS**

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
ust		Sandra Nixon, U.S. Trustee
ust		mario zavala
ust	*+	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

**NOTICE CERTIFICATION**

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 27, 2021

Signature: /s/Joseph Speetjens

District/off: 0539-3  
 Date Rcvd: Feb 25, 2021

User: tbradden  
 Form ID: pdf001

Page 2 of 2  
 Total Noticed: 4

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 24, 2021 at the address(es) listed below:

Name	Email Address
A. Lee Hogewood, III	on behalf of Defendant NexPoint Advisors L.P. lee.hogewood@klgates.com, haley.fields@klgates.com;matthew.houston@klgates.com;mary-beth.pearson@klgates.com;litigation.docketing@klgates.com;Em ily.mather@klgates.com;Artoush.varshosaz@klgates.com
A. Lee Hogewood, III	on behalf of Defendant NexPoint Capital Inc. lee.hogewood@klgates.com, haley.fields@klgates.com;matthew.houston@klgates.com;mary-beth.pearson@klgates.com;litigation.docketing@klgates.com;Em ily.mather@klgates.com;Artoush.varshosaz@klgates.com
A. Lee Hogewood, III	on behalf of Defendant Highland Income Fund lee.hogewood@klgates.com haley.fields@klgates.com;matthew.houston@klgates.com;mary-beth.pearson@klgates.com;litigation.docketing@klgates.com;Em ily.mather@klgates.com;Artoush.varshosaz@klgates.com
A. Lee Hogewood, III	on behalf of Defendant NexPoint Strategic Opportunities Fund lee.hogewood@klgates.com haley.fields@klgates.com;matthew.houston@klgates.com;mary-beth.pearson@klgates.com;litigation.docketing@klgates.com;Em ily.mather@klgates.com;Artoush.varshosaz@klgates.com
A. Lee Hogewood, III	on behalf of Defendant Highland Capital Management Fund Advisors L.P. lee.hogewood@klgates.com, haley.fields@klgates.com;matthew.houston@klgates.com;mary-beth.pearson@klgates.com;litigation.docketing@klgates.com;Em ily.mather@klgates.com;Artoush.varshosaz@klgates.com
Artoush Varshosaz	on behalf of Defendant NexPoint Strategic Opportunities Fund artoush.varshosaz@klgates.com Julie.garrett@klgates.com
Artoush Varshosaz	on behalf of Defendant Highland Income Fund artoush.varshosaz@klgates.com Julie.garrett@klgates.com
Artoush Varshosaz	on behalf of Defendant Highland Capital Management Fund Advisors L.P. artoush.varshosaz@klgates.com, Julie.garrett@klgates.com
Artoush Varshosaz	on behalf of Defendant NexPoint Capital Inc. artoush.varshosaz@klgates.com, Julie.garrett@klgates.com
Artoush Varshosaz	on behalf of Defendant NexPoint Advisors L.P. artoush.varshosaz@klgates.com, Julie.garrett@klgates.com
Davor Rukavina	on behalf of Defendant Highland Income Fund drukavina@munsch.com
Davor Rukavina	on behalf of Defendant Highland Capital Management Fund Advisors L.P. drukavina@munsch.com
Davor Rukavina	on behalf of Defendant NexPoint Capital Inc. drukavina@munsch.com
Davor Rukavina	on behalf of Defendant NexPoint Strategic Opportunities Fund drukavina@munsch.com
Davor Rukavina	on behalf of Defendant NexPoint Advisors L.P. drukavina@munsch.com
John J. Kane	on behalf of Defendant CLO Holdco Ltd. jkane@krcl.com, ecf@krcl.com;jkane@ecf.courtdrive.com
Julian Preston Vasek	on behalf of Defendant NexPoint Advisors L.P. jvasek@munsch.com
Julian Preston Vasek	on behalf of Defendant Highland Capital Management Fund Advisors L.P. jvasek@munsch.com
Julian Preston Vasek	on behalf of Defendant Highland Income Fund jvasek@munsch.com
Julian Preston Vasek	on behalf of Defendant NexPoint Capital Inc. jvasek@munsch.com
Julian Preston Vasek	on behalf of Defendant NexPoint Strategic Opportunities Fund jvasek@munsch.com
Zachery Z. Annable	on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 22