
DEBTOR'S OPPOSITION TO MOTION TO DISMISS COMPLAINT

Highland Capital Management, L.P., the plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”) and the debtor and debtor-in-possession (the “Debtor” or “Highland”) in the above-captioned chapter 11 case (the “Bankruptcy Case”), hereby submits this opposition (the “Opposition”) to the *Motion to Dismiss Plaintiff’s Complaint* [Docket No. 43]² (the “Motion”) filed by Highland Capital Management Fund Advisors, L.P. (“HCMFA”), NexPoint Advisors, L.P. (“NPA,” and together with HCMFA, the “Advisors”), Highland Income Fund, NexPoint Strategic Opportunities Fund, and NexPoint Capital, Inc. (collectively, the “Funds,” and together with the Advisors, the “Defendants”).³ The Debtor fully incorporates by reference its contemporaneously filed brief in opposition to the Motion and would show unto the Court as follows:

I. Relief Requested

1. By this Opposition, the Debtor respectfully requests that the Court enter an order denying Defendants’ Motion seeking to dismiss the Debtor’s *Verified Original Complaint for Declaratory and Injunctive Relief* [Docket No. 1] (the “Complaint”).
2. Pursuant to Rules 7.1(d) and (h) of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas (the “Local Rules”), a separate brief (the “Brief”) is being filed contemporaneously with this Opposition and is incorporated by reference.

² Refers to the docket number maintained in the Adversary Proceeding.

³ CLO Holdco, Ltd. (“CLO Holdco”) was voluntarily dismissed from this Adversary Proceeding with prejudice after the Debtor and CLO Holdco reached a settlement. [See Docket No. 50].

Dated: March 1, 2021.

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