

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

In re: §
§
HIGHLAND CAPITAL MANAGEMENT, § Bankruptcy Case No. 19-34054
L.P., §
§
Debtor. §

HIGHLAND CAPITAL MANAGEMENT §
FUND ADVISORS, L.P. and NEXPOINT §
ADVISORS, L.P., §
§
Appellants, §
§
v. § Civ. Act. No. 3:21-cv-00538-N
§

HIGHLAND CAPITAL MANAGEMENT, §
L.P., §
§
Appellee. §

HIGHLAND GLOBAL ALLOCATION §
FUND, HIGHLAND INCOME FUND, §
NEXPOINT CAPITAL, INC., and §
NEXPOINT STRATEGIC §
OPPORTUNITIES FUND, §
§
Appellants, § Civ. Act. No. 3:21-cv-00539-N
§

v. §
§
HIGHLAND CAPITAL MANAGEMENT, §
L.P., §
§
Appellee. §

JAMES DONDERO, §
§
Appellant, §
§
v. § Civ. Act. No. 3:21-cv-00546-N
§

HIGHLAND CAPITAL MANAGEMENT, §
L.P., §
Appellee. §
§

GET GOOD TRUST and THE DUGABOY
INVESTMENT TRUST,

Appellants,

v.

HIGHLAND CAPITAL MANAGEMENT,
L.P.,

Appellee.

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§

Civ. Act. No. 3:21-cv-00550-N

**AGREED ORDER: (I) CONSOLIDATING MOTIONS FOR STAY PENDING APPEAL;
(II) GRANTING EXPEDITED CONSIDERATION THEREOF;
AND (III) ORDERING BRIEFING SCHEDULE FOR SAME**

THE COURT, having considered the *Joint Motion: (i) to Consolidate Motions for Stay Pending Appeal; (ii) for Expedited Consideration of Motions for Stay Pending Appeal; and (iii) for Entry of Briefing Schedule for Same* (the “Motion”),¹ and finding that the relief requested in the Motion is proper based on the parties’ agreement thereto as effectuated through this Order, grants the Motion as follows:

IT IS ORDERED that, with respect to the following bankruptcy appeals, such appeals are consolidated with this proceeding solely for the purpose of considering any motion for a stay pending appeal of the Confirmation Order (as defined in the Motion), with all such motions consolidated for briefing, argument, and decision with the presently filed motion seeking such relief (docket no. 2), with respect to which the Court grants expedited consideration:

- (i) Civil Action No. 3:21-cv-00539-N;
- (ii) Civil Action No. 3:21-cv-00546-N; and
- (iii) Civil Action No. 3:21-cv-00550-N;

it is further

¹ All capitalized terms used but not defined herein have the meanings given to them in the Motion.

ORDERED that the Clerk shall enter this Order in each of the foregoing proceedings; it is further

ORDERED that the Funds, Mr. Dondero, and/or the Trusts may file, and serve electronically on the Debtor and the Committee a Stay Motion or a joinder to a Stay Motion in this proceeding on or before 5:00 p.m. (CT) on April 6, 2021, or be denied summarily as untimely; it is further

ORDERED that the Advisors, the Funds, Mr. Dondero, and the Trusts shall identify any witnesses whose testimony they intend to rely on in connection with the Stay Motions on or before 5:00 p.m. (CT) on April 6, 2021; it is further


ORDERED that the Debtor and the Committee may file responses in opposition to all Stay Motions by 5:00 p.m. (CT) on April 16, 2021; it is further

ORDER that the Advisors, the Funds, Mr. Dondero, and the Trusts may file a reply to such response by 5:00 p.m. (CT) on April 20, 2021; it is further

ORDERED that the Plan shall not become effective before 5:00 p.m. (CT) on April 23, 2021; it is further

ORDERED that the Advisors, the Funds, Mr. Dondero, and the Trusts reserve any and all rights that they may have to seek an administrative stay of the Effective Date pending the Court's resolution of the Stay Motions, and the Debtor and the Committee reserve all rights to object to any such requests.

SIGNED: April 12, 2021



DAVID C. GODBEY
UNITED STATES DISTRICT JUDGE

AGREED:

<p>MUNSCH HARDT KOPF & HARR, P.C.</p> <p>By: <u>/s/ Davor Rukavina</u> Davor Rukavina, Esq. Texas Bar No. 24030781 Julian P. Vasek, Esq. Texas Bar No. 24070790 3800 Ross Tower 500 N. Akard Street Dallas, Texas 75201-6659 Telephone: (214) 855-7500 Facsimile: (214) 855-7584 E-mail: drukavina@munsch.com</p> <p>COUNSEL FOR HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P., AND NEXPOINT ADVISORS, L.P.</p>	<p>PACHULSKI STANG ZIEHL & JONES LLP</p> <p>By: <u>/s/ Gregory V. Demo (w/ permission)</u> Jeffrey N. Pomerantz Ira D. Kharasch John A. Morris Gregory V. Demo 10100 Santa Monica Blvd., 13th Floor Los Angeles, CA 90067 Telephone: (310) 277-6910 Facsimile: (310) 201-0760 E-mail: jpomerantz@pszjlaw.com ikharasch@pszjlaw.com jmorris@pszjlaw.com gdemo@pszjlaw.com</p> <p>COUNSEL FOR HIGHLAND CAPITAL MANAGEMENT, L.P.</p>
<p>K&L GATES LLP</p> <p>By: <u>/s/ A. Lee Hogewood III (w/ permission)</u> A. Lee Hogewood, III 4350 Lassiter at North Hills Ave. Suite 300 Raleigh, NC 27609 Telephone: (919) 743-7306</p> <p>Artoush Varshosaz (TX Bar No. 24066234) 1717 Main Street, Suite 2800 Dallas, TX 75201 Telephone: (214) 939-5659</p> <p>COUNSEL FOR HIGHLAND INCOME FUND, NEXPOINT STRATEGIC OPPORTUNITIES FUND, HIGHLAND GLOBAL ALLOCATION FUND, AND NEXPOINT CAPITAL, INC.</p>	<p>BONDS ELLIS EPPICH SCHAFFER JONES LLP</p> <p>By: <u>/s/ Clay M. Taylor (w/ permission)</u> D. Michael Lynn – State Bar ID 12736500 John Y. Bonds, III – State Bar ID 02589100 Clay M. Taylor – State Bar ID 24033261 Bryan C. Assink – State Bar ID 24089009 420 Throckmorton Street, Suite 1000 Fort Worth, Texas 76102 (817) 405-6900 – Telephone (817) 405-6902 – Facsimile</p> <p>COUNSEL FOR JAMES DONDERO</p>

<p>HELLER, DRAPER & HORN, L.L.C.</p> <p>By: <u>/s/ Douglas S. Draper (w/ permission)</u> Douglas S. Draper, La. Bar No. 5073 ddraper@hellerdraper.com Leslie A. Collins, La. Bar No. 14891 lcollins@hellerdraper.com Greta M. Brouphy, La. Bar No. 26216 gbrouphy@hellerdraper.com 650 Poydras Street, Suite 2500 New Orleans, LA 70130 Telephone: (504) 299-3300 Fax: (504) 299-3399</p> <p>COUNSEL FOR THE DUGABOY INVESTMENT TRUST AND GET GOOD TRUST</p>	<p>SIDLEY AUSTIN LLP</p> <p><u>/s/ Matthew A. Clemente (w/ permission)</u> Paige Holden Montgomery Penny P. Reid Juliana L. Hoffman 2021 McKinney Avenue Suite 2000 Dallas, Texas 74201 Telephone: (214) 981-3300 Facsimile: (214) 981-3400</p> <p>-and-</p> <p>Matthew A. Clemente Dennis M. Twomey Alyssa Russell One South Dearborn Street Chicago, Illinois 60603 Telephone: (312) 853-7000 Facsimile: (312) 853-7036</p> <p>COUNSEL FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS</p>
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