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ATTORNEYS FOR DEFENDANT JAMES DONDERO

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

In re: § **Case No. 19-34054**
§
HIGHLAND CAPITAL MANAGEMENT, L.P. § **Chapter 11**
§
Debtor. §

HIGHLAND CAPITAL MANAGEMENT, L.P., §
§
Plaintiff. §
§
v. §
§ **Adversary No. 20-03190**
§
JAMES D. DONDERO, §
§
Defendant. §

REQUEST FOR EMERGENCY HEARING

James Dondero (“Defendant” or “Dondero”), the Defendant in the above-captioned adversary proceeding, hereby files this Request for Emergency Hearing (the “Request”) on *Defendant’s Emergency Motion to Stay Proceedings Pending Resolution of Defendant’s Petition for Writ of Mandamus or, Alternatively, Motion to Continue Trial Setting* (the “Motion”) filed by Defendant on April 30, 2021. In support thereof, Defendant respectfully represents as follows:



I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the Motion and this Request pursuant to 28 U.S.C. §§ 157 and 1334(b). The Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The predicates of the relief requested herein are section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 8007 of the Federal Rules of Bankruptcy Procedure.

II. RELIEF REQUESTED AND BASIS FOR RELIEF

4. Section 105(a) of the Bankruptcy Code provides that “the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Further, Bankruptcy Rule 9006(d) permits a court to fix any period of notice by order. Thus, the Court has broad latitude to fix the time for presentment of motions, particularly when “necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

5. For the reasons set forth herein and in the underlying Motion, good cause exists to consider the Motion on an immediate basis and schedule an emergency hearing on the Motion as soon as possible as the Court’s schedule allows. Defendant respectfully requests that the Court schedule a hearing on this Motion for May 4 or 5, 2021.

6. Because the current trial setting in this matter is set for the week of May 17, 2021, with docket call scheduled for May 10, 2021, the Court should consider the Motion on an emergency basis so there can be sufficient advance notice to the parties as to whether this proceeding will be stayed or the trial setting continued.

7. Undersigned counsel has conferred with counsel for the Debtor, who has indicated that although Debtor opposes the substantive relief requested in the Motion, it is not opposed to

having the Motion heard on an emergency basis.

8. Accordingly, due to the immediate need for the relief requested, Defendant respectfully requests that a hearing be scheduled on the Motion for May 4 or 5, 2021.

WHEREFORE, Defendant respectfully requests entry of an order scheduling a hearing on the Motion on an emergency basis and granting Defendant such other relief as is just and proper.

Dated: April 30, 2021

Respectfully submitted,

/s/ Bryan C. Assink

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ATTORNEYS FOR DEFENDANT JAMES DONDERO

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that, on April 29-30, 2021, I conferred with counsel for the Debtor in an attempt to resolve the relief requested by the Motion and this request for emergency hearing. The Debtor has indicated it is opposed to the relief sought in the underlying Motion, but is **unopposed** to the Motion being heard on an emergency basis.

/s/ Bryan C. Assink

Bryan C. Assink

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on April 30, 2021, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on counsel for the Debtor and on all other parties requesting or consenting to such service in this case.

/s/ Bryan C. Assink _____
Bryan C. Assink

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
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In re:	§	Case No. 19-34054
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HIGHLAND CAPITAL MANAGEMENT, L.P.	§	Chapter 11
	§	
Debtor.	§	

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff.	§	
	§	
v.	§	
	§	
JAMES D. DONDERO,	§	Adversary No. 20-03190
	§	
Defendant.	§	

ORDER GRANTING REQUEST FOR EMERGENCY HEARING

On this date, the Court considered the *Request for Emergency Hearing* (the “Request”) filed by Defendant James Dondero (the “Movant”) with respect to the *Defendant’s Emergency*

*Motion to Stay Proceedings Pending Resolution of Defendant's Petition for Writ of Mandamus or, Alternatively, Motion to Continue Trial Setting (the "Motion")*¹ filed by Movant on April 30, 2021.

Having considered the Request, and the fact that the Debtor has represented it is unopposed to the Request, the Court finds that good and sufficient cause exists for granting the Request and scheduling an emergency hearing to consider the Motion. Accordingly, it is hereby:

ORDERED, ADJUDGED AND DECREED that:

1. The Request is **GRANTED** as provided herein.
2. A hearing on the Motion shall occur on **May , 2021 at : .m.**

END OF ORDER

Respectfully submitted by:

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¹ Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Motion.