



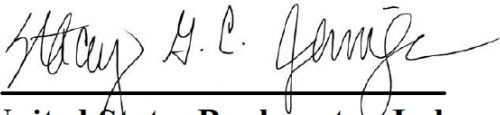
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

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 May 27, 2021


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.,	§	Case No. 19-34054 (SGJ)
	§	
Debtor.	§	
	§	
OFFICIAL COMMITTEE OF UNSECURED CREDITORS	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Adversary No. 20-03195
	§	
CLO HOLDCO, LTD., CHARITABLE DAF HOLDCO, LTD., CHARITABLE DAF FUND, LP, HIGHLAND DALLAS FOUNDATION, INC., THE DUGABOY INVESTMENT TRUST, GRANT JAMES SCOTT III IN HIS INDIVIDUAL CAPACITY, AS TRUSTEE OF THE	§	
	§	



DUGABOY INVESTMENT TRUST, AND	§
AS TRUSTEE OF THE GET GOOD	§
NONEXEMPT TRUST, AND JAMES D.	§
DONDERO,	§
	§
Defendants.	§

**ORDER ADDRESSING POST HEARING MEMORANDUM SUGGESTING ERROR BY
THE COURT [DE # 57]**

The court previously held a hearing on the Official Committee of Unsecured Creditors’ *Emergency Motion to Stay the Adversary Proceeding for Ninety Days* [DE #46] on May 20, 2021. The court heard arguments from the Plaintiff, the Unsecured Creditors Committee (the “UCC”), in support, and opposing arguments from counsel representing the various Defendants CLO Holdco, Ltd., Highland Dallas Foundation, Inc., the Dugaboy Investment Trust, the Get Good Nonexempt Trust, and James Dondero. The court issued an oral ruling at the Hearing granting the UCC’s Motion for a 90-day stay of the Adversary Proceeding. On May 24, 2021, the *Order Granting the Official Committee of Unsecured Creditors’ Emergency Motion to Stay the Adversary Proceeding for Ninety Days* [DE # 62] was entered.

Prior to the Order being uploaded, on May 21, 2021, counsel for CLO Holdco, Ltd. and Highland Dallas Foundation, Inc. filed a *Post Hearing Memorandum Suggesting Error by the Court* [DE # 57]. While the filing was not labeled as a motion for reconsideration or a motion for rehearing, the conclusion of the Post-Hearing Memorandum essentially states a request that the court reconsider its determination and deny the stay granted to the UCC.

Under Rule 59 of the Federal Rules of Civil Procedure a court may order a new trial or amend its judgment upon a motion. Rule 59 is made applicable to the Adversary Proceeding through Bankruptcy Rule 9023, applying Rule 59 to cases under the Bankruptcy Code. Rule 59 motions “serve [two] narrow purpose[s] of allowing a party ‘to correct manifest errors of law or

fact or to present newly discovered evidence.” *Waltman v. Int’l Paper Co.*, 875 F.2d 468, 473 (5th Cir. 1989). A Rule 59 motion is “not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before the entry of judgment.” *Templet v. HydroChem Inc.*, 367 F.3d 473, 478–79 (5th Cir.2004) (citing *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990)).

To the extent the Post-Hearing Memorandum is, in essence, a motion pursuant to Rule 59 of the Federal Rules of Civil Procedure and Bankruptcy Rule 9023, the court finds the arguments made in the Post-Hearing Memorandum insufficient to suggest a manifest error of law or fact; nor do the arguments present newly discovered evidence. As such, the court denies any motion brought pursuant to Rule 59 and Bankruptcy Rule 9023 to reconsider the Order Staying the Adversary Proceeding made through the Post-Hearing Memorandum. Therefore, it is

ORDERED that, to the extent counsel for CLO Holdco, Ltd. and Highland Dallas Foundation, Inc. seeks to bring a motion pursuant to Rule 59 of the Federal Rules of Civil Procedure and Bankruptcy Rule 9023 to reconsider or rehear the Order Staying the Adversary Proceeding, it is hereby **denied**.

END OF ORDER

United States Bankruptcy Court
Northern District of Texas

Official Committee of Unsecured Creditor,
Plaintiff
CLO Holdco, Ltd.,
Defendant

Adv. Proc. No. 20-03195-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: mmathews

Page 1 of 2

Date Rcvd: May 27, 2021

Form ID: pdf001

Total Noticed: 5

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 May 29, 2021:

Recip ID	Recipient Name and Address
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996
dft	+ The Dugaboy Investment Trust, c/o D. Michael Lynn, 420 Throckmorton Street, Suite 1000, Fort Worth, TX 76102-3727

TOTAL: 2

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	May 27 2021 21:05:00	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	May 27 2021 21:05:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	May 27 2021 21:05:00	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 zavalala
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: May 29, 2021

Signature: /s/Joseph Speetjens

District/off: 0539-3
Date Rcvd: May 27, 2021

User: mmathews
Form ID: pdf001

Page 2 of 2
Total Noticed: 5

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 27, 2021 at the address(es) listed below:

Name	Email Address
Bryan C. Assink	on behalf of Defendant James D. Dondero bryan.assink@bondsellis.com
Douglas S. Draper	on behalf of Defendant The Get Good Nonexempt Trust ddraper@hellerdraper.com dhepting@hellerdraper.com;vgamble@hellerdraper.com
Douglas S. Draper	on behalf of Defendant The Dugaboy Investment Trust ddraper@hellerdraper.com dhepting@hellerdraper.com;vgamble@hellerdraper.com
John J. Kane	on behalf of Defendant Grant James Scott III jkane@krcl.com ecf@krcl.com;jkane@ecf.courtdrive.com
Louis M. Phillips	on behalf of Defendant Highland Dallas Foundation Inc. louis.phillips@kellyhart.com, june.alcantara-davis@kellyhart.com
Louis M. Phillips	on behalf of Defendant CLO Holdco Ltd. louis.phillips@kellyhart.com, june.alcantara-davis@kellyhart.com
Paige Holden Montgomery	on behalf of Plaintiff Official Committee of Unsecured Creditors pmontgomery@sidley.com txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;crognes@sidley.com;ebromagen@sidley.com;efilingnotice@sidley.com
William R. Howell, Jr.	on behalf of Defendant James D. Dondero william.howell@bondsellis.com williamhowell@utexas.edu

TOTAL: 8