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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.** §

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**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 Pending Appeal and for Approval of Supersedeas Bond or Other Security* (the “Motion”)<sup>1</sup> filed by Defendant on June 15, 2021. In support thereof, Defendant respectfully represents as follows:

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



**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”), Federal Rule 62, and Bankruptcy Rules 7062 and 8007.

**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 **June 17, 18, or the morning of June 21** so that the Motion can be heard before Defendant’s deadline to appeal the Contempt Order and the June 22nd deadline by which the amounts awarded under the Contempt Order would otherwise have to be paid.

6. Undersigned counsel has conferred with counsel for the Debtor as to the relief requested in the Motion and this Request. The Debtor has not yet taken a position as to the underlying Motion, but has stated that it would not oppose an emergency hearing if held on Monday June 21 and completed before 1:00 pm (CT).

7. Accordingly, due to the immediate need for the relief requested, Defendant respectfully requests that a hearing be scheduled on the Motion for **June 17, 18, or the morning of June 21.**

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: June 15, 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 June 14-15, 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 not yet taken a position as to the underlying Motion, but has stated that it would not oppose an emergency hearing if held on Monday June 21 and completed before 1:00 pm (CT).

/s/ Bryan C. Assink

Bryan C. Assink

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on June 15, 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  
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<b>In re:</b>	§	<b>Case No. 19-34054</b>
	§	
<b>HIGHLAND CAPITAL MANAGEMENT, L.P.</b>	§	<b>Chapter 11</b>
	§	
<b>Debtor.</b>	§	

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

**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 Pending Appeal and for Approval of Supersedeas Bond or Other Security* (the "Motion")<sup>1</sup>.

Having considered 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 **June , 2021 at : .m.**

### END OF ORDER ###

Respectfully submitted by:

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Bryan C. Assink  
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