



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 August 9, 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., ¹	§	Case No. 19-34054-sgj11
	§	
Debtor.	§	
-----	§	
UBS SECURITIES LLC AND UBS AG	§	Adversary Proceeding
LONDON BRANCH,	§	
	§	No. 21-03020
Plaintiffs,	§	
	§	
vs.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Defendant.	§	

AMENDED STIPULATION AND SCHEDULING ORDER

¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.



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Upon consideration of the *Amended Stipulation and Proposed Scheduling Order* [Adv. Dkt. No. 95] (the “Stipulation”)² by and between Plaintiffs UBS Securities LLC and UBS AG London Branch (together, “UBS”) and Defendant Highland Capital Management, L.P. (the “Debtor,” and together with UBS, the “Parties”), it is **HEREBY ORDERED THAT**:

1. The Stipulation is **APPROVED**.
2. The Stipulation shall be effective immediately.
3. The Parties shall follow the below pretrial schedule (the “Joint Pretrial Schedule”)

in lieu of that provided in the *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Adv. Dkt. No. 9]:

<i>Joint Scheduling Order</i>		
	<u>Event</u>	<u>Deadline</u>
1	Service of Written Discovery Requests	July 2, 2021
2	Service of Written Responses to Discovery	July 23, 2021
3	Completion of Fact Discovery	August 6, 2021 ³
4	Expert Disclosures	August 13, 2021
5	Completion of Expert Discovery	August 27, 2021
6	Dispositive Motions	September 3, 2021
7	Exhibit and Witness Lists	September 20, 2021
8	Joint Pretrial Order	September 27, 2021
9	Proposed Findings of Fact and Conclusions of Law	September 27, 2021
10	Trial Docket Call	October 4, 2021 at 1:30 p.m. (CT)
11	Trial Week Begins	October 17, 2021

² A copy of the Stipulation is attached hereto as **Exhibit A**.

³ Ms. Mary Katherine Lucas’ deposition will be taken within thirty days after the termination of her maternity leave. See *Order Granting Plaintiffs’ Motion to Compel and Denying Motion of Former Employees to Quash Subpoenas* [Adv. Dkt. No. 94].

4. The Joint Pretrial Schedule set forth in this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order.

End of Order

EXHIBIT A

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

In re	§	Chapter 11
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	Case No. 19-34054-sgj11
	§	
Debtor.	§	
	§	
UBS SECURITIES LLC AND UBS AG LONDON BRANCH,	§	Adversary Proceeding
	§	
Plaintiffs,	§	No. 21-03020
	§	
vs.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Defendant.	§	
	§	

AMENDED STIPULATION AND PROPOSED SCHEDULING ORDER

This amended stipulation (the “Amended Stipulation”) is made and entered into by and between Plaintiffs UBS Securities LLC and UBS AG London Branch (together, “UBS”) and Defendant Highland Capital Management, L.P. (the “Debtor,” and together with UBS, the “Parties”), by and through their respective undersigned counsel.

RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

¹ The Debtor’s last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of the Debtor's bankruptcy case (the "Bankruptcy Case") to this Court;

WHEREAS, on March 31, 2021, UBS commenced the above-captioned adversary proceeding (the "Adversary Case") against the Debtor by filing its complaint [Adv. Dkt. No. 3] (the "Complaint");

WHEREAS, on April 1, 2021, the Court issued the *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Adv. Dkt. No. 9] (the "Alternative Scheduling Order");

WHEREAS, on May 14, 2021, the Parties filed a *Stipulation and Proposed Scheduling Order* [Adv. Dkt. No. 69];

WHEREAS, on May 15, 2021, Scott Ellington, Isaac Leventon, Matthew DiOrio, JP Sevilla, and Kathryn Lucas (the "Employee Group") filed the *Motion of Former Employees to Quash Subpoenas and Brief in Support* [Adv. Dkt. 70], and on May 20, 2021, UBS filed *Plaintiffs' Motion to Compel and Response to Motion of Former Employees to Quash Subpoenas* [Adv. Dkt. 74] (together, and including documents filed in support of and response to, the "Discovery Motions");

WHEREAS, the Discovery Motions relate to discovery sought in this Adversary Case;

WHEREAS, on June 24, 2021, the Court held a hearing on the Discovery Motions and ordered the Employee Group to produce responsive documents within seven days and sit for depositions within thirty days²;

² Ms. Lucas' deposition will be taken within thirty days after the termination of her maternity leave.

WHEREAS, in light of ongoing fact discovery, including as contemplated by the Court’s June 24, 2021 ruling, the Parties have conferred and desire to enter into a mutually agreeable proposed amended schedule to alter pre-trial deadlines while maintaining the same dates for trial docket call and trial as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following amended schedule (the “Amended Proposed Joint Scheduling Order”), in lieu of that provided in their earlier *Stipulation and Proposed Scheduling Order*:

<i>Amended Proposed Joint Scheduling Order</i>		
	<u>Event</u>	<u>Deadline</u>
1	Service of Written Discovery Requests	July 2, 2021
2	Service of Written Responses to Discovery	July 23, 2021
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11	Trial Week Begins	October 17, 2021

2. If approved by the Court, the Amended Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Amended Stipulation, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

[Remainder of this page intentionally left blank.]

Dated: June 29, 2021

Respectfully submitted,

By /s/ Sarah Tomkowiak

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By /s/ Robert Feinstein

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*Counsel for Highland Capital Management,
L.P.*

CERTIFICATE OF SERVICE

I, Martin Sosland, certify that this *Amended Stipulation and Proposed Scheduling Order* was filed electronically through the Court’s ECF system, which provides notice to all parties of interest.

Dated: June 29, 2021

/s/ Martin Sosland