

John T. Wilson IV  
State Bar I.D. No. 24033344  
Clay M. Taylor  
State Bar I.D. No. 24033261  
Bryan C. Assink  
State Bar I.D. No. 24089009  
BONDS ELLIS EPPICH SCHAFFER JONES LLP  
420 Throckmorton Street, Suite 1000  
Fort Worth, Texas 76102  
(817) 405-6900 telephone  
(817) 405-6902 facsimile

ATTORNEYS FOR APPELLANT JAMES DONDERO

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

**In re:**

**JAMES DONDERO,**

**Appellant.**

**v.**

**HIGHLAND CAPITAL MANAGEMENT, L.P.,**

**Appellee.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Case No. 3:21-cv-01590-N**

**APPELLANT’S UNOPPOSED MOTION TO SUPPLEMENT RECORD ON APPEAL**

James D. Dondero (“Appellant”), the appellant in the above-referenced matter, hereby files this *Unopposed Motion to Supplement the Record on Appeal* (the “Motion”) and respectfully represents as follows.

1. On June 15, 2021, Appellant filed a notice of appeal of the bankruptcy court’s *Memorandum Opinion and Order Granting In Part Plaintiff’s Motion to Hold James Dondero in Civil Contempt of Court for Alleged Violation of TRO* [Adv. Dkt. 191] entered by the United States Bankruptcy Court for the Northern District of Texas on June 7, 2021. *See* Adv. Dkt. 195.

2. On June 29, 2021, Appellant timely filed *Appellant’s Designation of Items to be Included in the Record on Appeal and Statement of Issues to be Presented* [Adv. Dkt. 203]. As



requested by the bankruptcy clerk, the designation was later amended to change the ordering of certain of the designated items.

3. On August 6, 2021, the bankruptcy clerk transmitted the record on appeal to this Court, but indicated that the record was deficient because certain court admitted exhibits for the hearings on 12/10/20 and 1/8/21 were not provided.

4. Although the court admitted exhibit entry from the docket was designated, the court admitted exhibits for those hearings were inadvertently not separately designated to be included in the record.<sup>1</sup>

5. Accordingly, Appellant requests that the District Court grant Appellant leave to supplement the record with these items.

6. Appellant has conferred with counsel for Appellee on the relief requested herein, and counsel for Appellee has indicated that Appellee is unopposed to this Motion.

### **PRAYER**

WHEREFORE, Appellant respectfully requests that this Court enter an order (i) granting this Motion, (ii) authorizing Appellant to supplement the record as requested herein, (iii) authorizing and directing the bankruptcy clerk to transmit the supplemental record on appeal to this Court, and (iv) granting Appellant such other and further relief as may be just and proper.

---

<sup>1</sup> Appellant believes these Court admitted exhibits were already designated elsewhere in the record, but files this motion to address the bankruptcy clerk's notice of deficient record.

Dated: August 12, 2021

Respectfully submitted,

/s/ Bryan C. Assink

John T. Wilson IV

State Bar I.D. No. 24033344

Clay M. Taylor

State Bar I.D. No. 24033261

Bryan C. Assink

State Bar I.D. No. 24089009

BONDS ELLIS EPPICH SCHAFFER JONES LLP

420 Throckmorton Street, Suite 1000

Fort Worth, Texas 76102

(817) 405-6900 telephone

(817) 405-6902 facsimile

Email: john.wilson@bondsellis.com

Email: clay.taylor@bondsellis.com

Email: bryan.assink@bondsellis.com

**ATTORNEYS FOR APPELLANT JAMES DONDERO**

**CERTIFICATE OF CONFERENCE**

I, the undersigned, hereby certify that, on August 11, 2021, I conferred with John Morris, counsel for Appellee, regarding the relief requested herein. Mr. Morris indicated the Appellee is unopposed to the Motion.

/s/ Bryan C. Assink

Bryan C. Assink

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on August 12, 2021, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on counsel for Debtor-Appellee Highland Capital Management, L.P. 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 DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**In re:**

**JAMES DONDERO,**

**Appellant.**

**v.**

**HIGHLAND CAPITAL MANAGEMENT, L.P.,**

**Appellee.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Case No. 3:21-cv-01590-N**

**ORDER GRANTING APPELLANT’S UNOPPOSED  
MOTION TO SUPPLEMENT RECORD ON APPEAL**

On this date, the Court considered the *Unopposed Motion to Supplement the Record on Appeal* (the “Motion”) filed by Appellant James Dondero (“Appellant”). Upon consideration of the Motion, and the fact that Appellee is unopposed to the relief requested in the Motion, the Court finds that the Motion is well taken and should be granted. Accordingly, the Court finds that just cause exists for entry of the following order. It is therefore **ORDERED** as follows:

1. The Motion is **GRANTED** as set forth herein.
2. Appellant is authorized to file a supplemental designation of items to be included in the record on appeal to cure the deficiency in the record.
3. The clerk of the bankruptcy court is authorized and directed to promptly transmit the supplemental record on appeal to this Court.
4. Pursuant to Rule 8018 of the Federal Rules of Bankruptcy Procedure, the Appellant’s opening brief shall be due within thirty (30) days after the docketing of notice that the supplemental record has been transmitted or is available electronically.

**SO ORDERED.**

Signed August \_\_, 2021.

---

HONORABLE DAVID C. GODBEY  
UNITED STATES DISTRICT JUDGE