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COUNSEL FOR SENTINEL REINSURANCE, LTD.

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

IN RE: § **CHAPTER 11**
§
HIGHLAND CAPITAL MANAGEMENT, LP § **CASE NO: 19-34054-sgj11**
§
DEBTOR. § **(Joint Administration)**

UBS SECURITIES LLC AND UBS LONDON §
BRANCH AG, Plaintiff, §
§
v. § **ADV. PROC. NO. 21-03020**
§
HIGHLAND CAPITAL MANAGEMENT, L.P., §
Defendant. §

**FOREIGN NON-PARTY SENTINEL REINSURANCE, LTD.’S RESPONSE TO UBS’S
NOTICE OF DENIAL OF LETTER REQUEST FOR PROTECTIVE ORDER IN NEW
YORK SUPREME COURT**

Sentinel Reinsurance, Ltd. (“Sentinel”) hereby files this response (“Response”)¹ to UBS’s Notice of Denial of Sentinel’s Letter Request for Protective Order in New York Supreme Court (the “Notice”) [Dkt. No. 116] and in support hereof respectfully states as follows:

¹ The filing of this Response and any subsequent motions or briefs by Sentinel shall be construed and are intended to be a special appearance filed out of compulsion to keep its proprietary, privileged, and confidential information protected and to correct misstatements on the record made by UBS. Sentinel hereby reserves and does not waive its challenge to jurisdiction of this Court.



1. UBS Securities, LLC and UBS AG London Branch (collectively “UBS”)’s Notice deliberately misleads this Court by stating that the New York Supreme Court has denied Sentinel’s letter request for a protective order—it has not.

2. Sentinel files this Response in order to clarify the record and provide the actual text of what Judge Crane emailed to counsel in the New York Supreme Court case, rather than the misleading summary filed by UBS that does not accurately reflect what the Judge stated or what actually transpired.

3. UBS deliberately failed to provide this Court with the actual text of the email from New York Supreme Court judge (which is attached hereto as Exhibit 1) (the “Crane Email”) or the background under which Sentinel’s letter request arose.

4. Under the local rules of the New York Supreme Court, parties are required to provide a letter to the court and request a conference regarding discovery disputes in advance of filing a motion.²

5. Sentinel filed its letter (the “Sentinel Letter”) requesting a conference regarding a protective order with the New York Supreme Court on September 3, 2021 and UBS responded pursuant to the local rule on September 10, 2021.

6. On September 16, 2021, the Honorable Melissa Anne Crane denied Sentinels’ request for a conference as set forth in the Sentinel Letter, and stated: “Denied. *If you want that*

² Commercial Div. Rule 14 states, in relevant part, that if counsel cannot resolve a discovery dispute: “counsel for the moving party shall submit a letter to the court not exceeding three single-spaced pages outlining the nature of the dispute and requesting a telephone conference. Such a letter must include a representation that the party has conferred with opposing counsel in a good faith effort to resolve the issues raised in the letter or shall indicate good cause why no such consultation occurred. Not later than four business days after receiving such a letter, any affected opposing party or non-party shall submit a responsive letter not exceeding three single-spaced pages. After the submission of letters, the court will schedule a telephone or in-court conference with counsel. The court or the court’s law clerks will attempt to address the matter through a telephone conference where possible. The failure of counsel to comply with this rule may result in a motion being held in abeyance until the court has an opportunity to conference the matter. If the parties need to make a record, they will still have the opportunity to submit a formal motion.”

kind of relief, you need to make a motion. Also, it is entirely unclear [sic] to me why you cannot produce on a rolling basis.” See Crane Email (emphasis added).

7. Far from denying Sentinel’s request for a protective order, Judge Crane stated that Sentinel would need to file a motion to obtain the relief it was requesting—i.e. a protective order.

8. On September 20, 2021, Sentinel filed its Motion for a Protective Order in the New York Supreme Court. The relief requested remains pending before the New York Supreme Court.

DATED: September 22, 2021

Respectfully submitted by:

/s/ Thomas C. Scannell

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LTD.**

CERTIFICATE OF SERVICE

I hereby certify that, on September 22, 2021, a true and correct copy of the foregoing document was served electronically by the Court's CM/ECF PACER system on all parties registered to receive notice in these cases, including, without limitation, the following parties:

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/s/ Thomas C. Scannell

Thomas C. Scannell

EXHIBIT 1

From: "Hon. Melissa A. Crane" <macrane@nycourts.gov>
Date: September 16, 2021 at 9:10:53 PM EDT
To: Shannon.McLaughlin@lw.com, SFC-Part60-Clerk <SFC-Part60-Clerk@nycourts.gov>, SFC-Part15-Clerk <SFC-Part15-Clerk@nycourts.gov>
Cc: hmagaliff@r3mlaw.com, "Catanese, Katie" <KCatanese@foley.com>, "Scannell, Thomas Charles" <tscannell@foley.com>, Andrew.Clubok@lw.com, Michael Onufer <michael.onufer@kirkland.com>, Jason.Burt@lw.com, Sean.McMahon@lw.com
Subject: Re: Letter Exchange and Exhibits: UBS Securities LLC et al vs Highland Capital Management, L.P. et al (650097/2009)

**** EXTERNAL EMAIL MESSAGE ****

Denied. If you want that kind of relief, you need to make a motion. Also, it is entirely unclear to me why you cannot produce on a rolling basis.