

Case Nos. 3:21-cv-01974-X and 3:21-cv-01979-S

---

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

---

In re: Highland Capital Management, L.P.,

Reorganized Debtor.

---

THE CHARITABLE DAF FUND LP; CLO HOLDCO LTD.; MARK PATRICK; SBAITI &  
COMPANY PLLC; MAZIN A. SBAITI; JONATHAN BRIDGES; AND JAMES  
DONDERO,

Appellants,

v.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Appellee.

---

On Appeal from the  
United States Bankruptcy Court, Northern District of Texas, Dallas Division  
Case No. 19-34054-sgj11 (Hon. Stacey G.C. Jernigan)

---

**HIGHLAND CAPITAL MANAGEMENT, L.P.'S  
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE BRIEF**

---

PACHULSKI STANG ZIEHL & JONES LLP  
Jeffrey N. Pomerantz (CA Bar No. 143717)  
John A. Morris (NY Bar No. 266326)  
Gregory V. Demo (NY Bar No. 5371992)  
Hayley R. Winograd (NY Bar No. 5612569)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760

HAYWARD PLLC  
Melissa S. Hayward (Texas Bar No.  
24044908)  
Zachery Z. Annable (Texas Bar No.  
24053075)  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100  
Fax: (972) 755-7110

*Counsel for Appellee*



Highland Capital Management, L.P., the appellee (“Highland” or “Appellee”) in the above-captioned appeal (the “Appeal”), hereby submits this *Unopposed Motion for Extension of Time to File Response Brief* (the “Motion”). In support of its Motion, Highland respectfully states as follows:

**I. BACKGROUND**

1. On August 16, 2021, appellant James Dondero filed his *Notice of Appeal* of the Bankruptcy Court’s *Memorandum Opinion and Order Holding Certain Parties and Their Attorneys in Civil Contempt of Court for Violation of Bankruptcy Court Orders TRO* [Docket No. 2660] (the “Order”).<sup>1</sup>

2. On August 16, 2021, appellants The Charitable DAF Fund, L.P., CLO Holdco, Ltd., Mark Patrick, Sbaiti & Company PLLC, Mazin A. Sbaiti, and Jonathan Bridges (collectively and together with Mr. Dondero, the “Appellants”) filed their *Notice of Appeal* of the Order.

3. On September 27, 2021, the record on appeal was transmitted to this Court. [Docket No. 8].<sup>2</sup>

4. On October 25, 2021, the above-captioned cases were consolidated [Docket No. 12].

---

<sup>1</sup> Refers to the docket maintained in Case No. 19-34054-sgj11 (Bankr. N.D. Tex.).

<sup>2</sup> Refers to the docket maintained in this Appeal.

5. On December 13, 2021, Appellant James Dondero filed his Opening Brief [Docket No. 18].

6. On December 13, 2021, Appellants The Charitable DAF Fund, L.P., CLO Holdco, Ltd., Mark Patrick, Sbaiti & Company, PLLC, Mazin A. Sbaiti, and Jonathan Bridges filed their Opening Brief. [Docket No. 19].

7. Pursuant to Bankruptcy Rule 8018, Highland's response brief (the "Response") is currently due on January 12, 2022. *See* FED. R. BANK. P. 8018(a)(2).

## II. RELIEF REQUESTED

8. Highland respectfully requests a 30-day extension of time in which to file its Response.

9. Good cause exists for the requested extension. Counsel for Highland has a number of conflicting deadlines throughout the next several weeks, which would make it difficult for counsel to devote the requisite time to drafting the Response. A 30-day extension will provide counsel with sufficient time to address the Response.

10. Furthermore, counsel for Highland has discussed its requested extension with counsel for each of the Appellants, and each Appellant has agreed to the extension requested herein.

11. Accordingly, for the foregoing reasons, Highland respectfully requests that the Court extend the deadline for Highland to file its Response from January 12, 2022, to February 14, 2022.

### **III. CONCLUSION**

WHEREFORE, Highland respectfully requests that the Court enter an order (i) granting the Motion, (ii) extending the deadline for Highland to file its Response from January 12, 2022, to February 14, 2022, and (iii) granting Highland such other and further relief as may be just and proper.

*[Remainder of Page Intentionally Blank]*

Dated: December 17, 2021

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (CA Bar No. 143717)

Ira D. Kharasch (CA Bar No. 109084)

John A. Morris (NY Bar No. 266326)

Gregory V. Demo (NY Bar No. 5371992)

Hayley R. Winograd (NY Bar No. 5612569)

10100 Santa Monica Blvd., 13th Floor

Los Angeles, CA 90067

Telephone: (310) 277-6910

Facsimile: (310) 201-0760

Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)

[ikharasch@pszjlaw.com](mailto:ikharasch@pszjlaw.com)

[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)

[gdemo@pszjlaw.com](mailto:gdemo@pszjlaw.com)

[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)

-and-

**HAYWARD PLLC**

*/s/ Zachery Z. Annable*

---

Melissa S. Hayward

Texas Bar No. 24044908

[MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com)

Zachery Z. Annable

Texas Bar No. 24053075

[ZAnnable@HaywardFirm.com](mailto:ZAnnable@HaywardFirm.com)

10501 N. Central Expy, Ste. 106

Dallas, Texas 75231

Tel: (972) 755-7100

Fax: (972) 755-7110

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

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that, on December 16, 2021, counsel for Highland corresponded with counsel for Appellants regarding the relief requested in the foregoing Motion. Counsel for Appellants advised counsel for Highland that Appellants are **UNOPPOSED** to the relief requested in the Motion.

/s/ Zachery Z. Annable  
Zachery Z. Annable

**CERTIFICATE OF COMPLIANCE WITH RULE 8013**

The undersigned hereby certifies that this Motion complies with the type-volume limitation set by Rule 8013(f)(3) of the Federal Rules of Bankruptcy Procedure. This Motion contains 429 words.

/s/ Zachery Z. Annable  
Zachery Z. Annable

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

---

THE CHARITABLE DAF FUND LP; CLO  
HOLDCO LTD.; MARK PATRICK; SBAITI &  
COMPANY PLLC; MAZIN A. SBAITI;  
JONATHAN BRIDGES; AND JAMES  
DONDERO.

Appellants,

vs.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Appellee.

---

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

Case No. 3:21-cv-01974-X & 3:21-  
cv-01979-S

**ORDER GRANTING HIGHLAND CAPITAL MANAGEMENT, L.P.’S  
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE BRIEF**

Having considered the *Unopposed Motion for Extension of Time to File Response Brief* (the “Motion”)<sup>1</sup> filed by Highland Capital Management, L.P., appellee (“Appellee” or “Highland”) in the above-captioned appeal (the “Appeal”), the Court finds and concludes that (i) it has jurisdiction over this matter pursuant to 28 U.S.C. § 158; (ii) Highland’s notice of the Motion was appropriate under the circumstances and no other notice need be provided; and (iii) the legal and factual bases set forth in the Motion establish good cause for the relief granted herein.

Accordingly, it is **HEREBY ORDERED THAT**:

1. The Motion is **GRANTED**.
2. The deadline for Highland to file its Response is extended through and includes February 14, 2022.

---

<sup>1</sup> Capitalized terms not otherwise defined in this Order have the meanings ascribed to them in the Motion.

**It is so ordered** this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

---

The Honorable Brantley Starr  
United States District Judge