



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 December 23, 2021


United States Bankruptcy Judge

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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹
Reorganized Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,
Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT
FUND ADVISORS, L.P.,
Defendants.

§ Chapter 11
§
§ Case No. 19-34054-sgj11
§
§
§ Adversary Proceeding No.
§
§ Case No. 21-03004-sgj
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§

**ORDER APPROVING STIPULATION REGARDING BRIEFING SCHEDULE FOR
HCMFA'S SECOND MOTION TO AMEND**

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



Upon consideration of the *Stipulation Regarding Briefing Schedule for HCMFA's Second Motion to Amend* [Docket No. 97] (the "Stipulation")² entered into by and between Highland Capital Management L.P. ("Highland") and Highland Capital Management Fund Advisors, L.P. ("HCMFA", and together with Highland, the "Parties"), it is **HEREBY ORDERED THAT**:

1. The Stipulation, a copy of which is attached hereto as **Exhibit A**, is **APPROVED**.
2. A response to the Second Motion to Amend (the "Response") shall be filed on or before **December 30, 2021**, unless otherwise agreed in writing by the Parties.
3. A reply to the Response shall be filed on or before **January 7, 2022**, unless otherwise agreed in writing by the Parties.
4. All deadlines set forth above are effective as of **5:00 p.m. (Central Time)** on each applicable date.
5. The Stipulation 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.
6. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of the Stipulation and this Order.

###End of Order###

² Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

EXHIBIT A

**STIPULATION REGARDING BRIEFING SCHEDULE FOR
HCMFA'S SECOND MOTION TO AMEND**

This stipulation (the "Stipulation") is made and entered into by and between Highland Capital Management L.P. ("Highland" or the "Reorganized Debtor") and Highland Capital Management Fund Advisors, L.P. ("HCMFA," and together with Highland, the "Parties"), by and through their respective undersigned counsel, in connection with the above-captioned adversary proceeding (the "Adversary Proceeding").

RECITALS

WHEREAS, on October 16, 2019 (the "Petition Date"), Highland 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");

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of Highland's Bankruptcy Case to this Court [Bankr. Docket No. 186];²

WHEREAS, on February 22, 2021, the Bankruptcy Court entered the *Order (i) Confirming the Fifth Amended Plan of Reorganization (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the "Confirmation Order") which confirmed the *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P., as Modified* [Bankr. Docket No. 1808] (the "Plan");

WHEREAS, the Plan went Effective (as defined in the Plan) on August 11, 2021, and Highland is the Reorganized Debtor (as defined in the Plan) since the Effective Date. *See Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700];

² Refers to the docket number maintained in the Bankruptcy Case.

WHEREAS, on September 7, 2021, the Court entered its *Order Approving Stipulation Governing Discovery and Other Pre-Trial Issues* [See Docket No. 68]³ (the “Scheduling Order”), pursuant to which discovery and pretrial matters in the Adversary Proceeding are consolidated;

WHEREAS, on November 30, 2021, HCMFA filed *Defendant's Second Motion for Leave to Amend Answer and Brief in Support Thereof* [Docket No. 82] (“HCMFA’s Second Motion to Amend”);

WHEREAS, a hearing on HCMFA’s Second Motion to Amend is scheduled for **January 10, 2022 at 9:30 a.m. CT** [Docket No. 89]; and

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed scheduling order regarding HCMFA’s Second Motion to Amend, 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. A response to the Second Motion to Amend (the “Response”) shall be filed on or before **December 30, 2021**, unless otherwise agreed in writing by the Parties.
2. A reply to the Response shall be filed on or before **January 7, 2022**, unless otherwise agreed in writing by the Parties.
3. All deadlines set forth above are effective as of **5:00 p.m. (Central Time)** on each applicable date.
4. If approved by the Court, this Stipulation 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 Refers to the docket maintained in the Adversary Proceeding.

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

Dated: December 21, 2021.

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