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*Counsel for NexPoint Advisors, L.P.*

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

In re:

HIGHLAND CAPITAL MANAGEMENT,  
L.P.,<sup>1</sup>

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj11

NEXPOINT ADVISORS, L.P.,

Appellant.

Case No. 3:21-cv-03094-E

<sup>1</sup> The Reorganized Debtor's last four digits of its taxpayer identification number are 6725. The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850; Dallas, Texas 75201.



v.

TENEO CAPITAL, LLC,

Appellee.

**APPELLANT NEXPOINT ADVISORS, L.P.’S UNOPPOSED MOTION TO CONSOLIDATE APPEALS AND TO ESTABLISH PROCEDURES FOR CONSOLIDATION OF THE RECORD ON APPEAL AND BRIEFING**

Appellant NexPoint Advisors, L.P. (the “**Appellant**” or “**NexPoint**”), pursuant to Rule 8003(b)(2) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), Rule 42(a)(2) of the Federal Rules of Civil Procedure (the “**Civil Rules**”), and Rules 7.1 and 42.1 of the Local Civil Rules of the United States District Court for the Northern District of Texas (“**LR**”), hereby moves the Court (the “**Motion**”) for entry of an order consolidating the five appellate cases listed below (each an “**Appeal**,” and collectively, the “**Appeals**”) docketed in the United States District Court for the Northern District of Texas (the “**District Court**”) which Appellant has taken from the single above-captioned bankruptcy case, Case No. 19-34054-sgj11 (the “**Bankruptcy Case**”), in the United States Bankruptcy Court for the Northern District of Texas (the “**Bankruptcy Court**”), and establishing procedures for consolidation of the record on appeal and briefing:

<u>Case Number</u>	<u>Title</u>	<u>Judge</u>
3:21-cv-03086-K	<i>NexPoint Advisors, L.P. v. Pachulski Stang Ziehl &amp; Jones LLP</i>	Judge Kinkeade
3:21-cv-03088-X	<i>NexPoint Advisors, L.P. v. Wilmer Cutler Pickering Hale and Dore LLP</i>	Judge Starr
3:21-cv-03094-E	<i>NexPoint Advisors, L.P. v. Teneo Capital, LLC</i>	Judge Brown
3:21-cv-03096-L	<i>NexPoint Advisors, L.P. v. Sidley Austin LLP</i>	Judge Lindsay
3:21-cv-03104-G	<i>NexPoint Advisors, L.P. v. FTI Consulting, Inc.</i>	Judge Fish

This Motion is made and based on the accompanying Memorandum of Points and Authorities, all pleadings and papers on file with the Clerk of the Court in the Bankruptcy Case and the Appeals, judicial notice of which is respectfully requested pursuant to Rules 201 and 1101 of the Federal Rules of Evidence, and any arguments of counsel entertained by the Court at the time of any hearing on the Motion.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### **I. JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction to consider and determine this matter pursuant to 28 U.S.C. §§ 158 and 1334.
2. Venue is proper before this Court pursuant to 28 U.S.C. § 1409(a).
3. The bases for the relief sought herein are Bankruptcy Rule 8003(b)(2), Civil Rule 42(a)(2), and LR 7.1 and 42.1.

#### **II. BACKGROUND AND RELEVANT FACTS**

4. On October 16, 2019, Highland Capital Management, L.P. (the “**Reorganized Debtor**”) filed its Chapter 11 Voluntary Bankruptcy Petition [DE ECF No. 1; BK ECF No. 3]<sup>2</sup> in Case No. 19-12239-CSS in the United States Bankruptcy Court for the District of Delaware (the “**Delaware Court**”). Venue was subsequently transferred from the Delaware Court to the Bankruptcy Court pursuant to the Order [DE ECF No. 184; BK ECF No. 1] entered on December 4, 2019.

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<sup>2</sup> All citations to DE ECF No. shall refer to docket entries in Case No. 19-12239-CSS in the United States Bankruptcy Court for the District of Delaware. All citations to BK ECF No. shall refer to docket entries in Case No. 19-34054-sgj11 in the United States Bankruptcy Court for the Northern District of Texas. All citations to ECF No. shall refer to docket entries in the respective Appeals — Case Nos. 3:21-cv-03086-K, 3:21-cv-03088-X, 3:21-cv-03094-E, 3:21-cv-03096-L, and 3:21-cv-03104-G — in the United States District Court for the Northern District of Texas, as stated.

5. The respective Applications for Employment and Retention (collectively, the “**Retention Applications**”) of the five retained professionals listed below — the Appellees in the subject Appeals (each an “**Appellee**,” and collectively, the “**Appellees**”) — were filed with the Delaware Court and Bankruptcy Court as follows:

- a. *Pachulski Stang Ziehl & Jones LLP* on October 29, 2019 [DE ECF No. 71; BK ECF No. 70];
- b. *Wilmer Cutler Pickering Hale and Dore LLP* on October 29, 2019 [DE ECF No. 76; BK ECF No. 75];
- c. *FTI Consulting, Inc.* on December 6, 2019 [BK ECF No. 205];
- d. *Sidley Austin LLP* on December 6, 2019 [BK ECF No. 206]; and
- e. *Teneo Capital, LLC* on May 14, 2021 [BK ECF No. 2306].

6. The Delaware Court and Bankruptcy Court entered Orders granting Appellees’ Retention Applications as follows:

- a. *Wilmer Cutler Pickering Hale and Dore LLP* on November 26, 2019 [DE ECF No. 169; BK ECF No. 176];
- b. *Pachulski Stang Ziehl & Jones LLP* on December 2, 2019 [DE ECF No. 176; BK ECF No. 183];
- c. *Sidley Austin LLP* on January 9, 2020 [BK ECF No. 334];
- d. *FTI Consulting, Inc.* on January 9, 2020 [BK ECF No. 336]; and
- e. *Teneo Capital, LLC* on June 11, 2021 [BK ECF No. 2443].

7. Appellees’ respective Final Applications for Compensation and Reimbursement of Expenses (each a “**Final Fee Application**,” and collectively, the “**Final Fee Applications**”) were filed with the Bankruptcy Court as follows:

- a. *FTI Consulting, Inc.* on October 8, 2019 [BK ECF No. 2902];
- b. *Teneo Capital, LLC* on October 8, 2021 [BK ECF No. 2903];
- c. *Sidley Austin LLP* on October 8, 2021 [BK ECF No. 2904];
- d. *Pachulski Stang Ziehl & Jones LLP* on October 8, 2021 [BK ECF No. 2906]; and
- e. *Wilmer Cutler Pickering Hale and Dore LLP* on October 8, 2021 [BK ECF No. 2907].

8. Appellant timely opposed each Appellee’s Final Fee Application. On November 17, 2021, the Bankruptcy Court held a hearing on, *inter alia*, Appellees’ Final Fee Applications.

[See ECF Nos. 3045 & 3072].

9. On November 22, 2021, the Bankruptcy Court entered the Order [BK ECF No. 3047] granting Pachulski Stang Ziehl & Jones LLP's Final Fee Application and overruling Appellant's opposition thereto. NexPoint timely filed its Notice of Appeal [BK ECF No. 3077] of the Order on December 3, 2021. The Notice of Transmittal [ECF No. 1] for said appeal, Case No. 3:21-cv-03086-K, was filed in the District Court on December 10, 2021.

10. On November 22, 2021, the Bankruptcy Court entered the Order [BK ECF No. 3048] granting Wilmer Cutler Pickering Hale and Dore LLP's Final Fee Application over Appellant's opposition thereto. NexPoint timely filed its Notice of Appeal [BK ECF No. 3078] of the Order on December 3, 2021. The Notice of Transmittal [ECF No. 1] for said appeal, Case No. 3:21-cv-03088-X, was filed in the District Court on December 10, 2021.

11. On November 29, 2021, the Bankruptcy Court entered the Order [BK ECF No. 3056] granting Teneo Capital, LLC's Final Fee Application over Appellant's opposition. NexPoint timely filed its Notice of Appeal [BK ECF No. 3079] of the Order on December 3, 2021. The Notice of Transmittal [ECF No. 1] for said appeal, Case No. 3:21-cv-03094-E, was filed in the District Court on December 10, 2021.

12. On November 29, 2021, the Bankruptcy Court entered the Order [BK ECF No. 3057] granting Sidley Austin LLP's Final Fee Application over Appellant's opposition thereto. NexPoint timely filed its Notice of Appeal [BK ECF No. 3080] of the Order on December 3, 2021. The Notice of Transmittal [ECF No. 1] for said appeal, Case No. 3:21-cv-03096-L, was filed in the District Court on December 10, 2021.

13. On November 29, 2021, the Bankruptcy Court entered the Order [BK ECF No. 3058] granting FTI Consulting, Inc.'s Final Fee Application over Appellant's opposition thereto.

NexPoint timely filed its Notice of Appeal [BK ECF No. 3076] of the Order on December 3, 2021. The Notice of Transmittal [ECF No. 1] for said appeal, Case No. 3:21-cv-03104-G, was filed in the District Court on December 13, 2021.

14. On December 17, 2021, NexPoint filed its respective Designations of Items to Be Included in the Record on Appeal and Statement of Issues to Be Presented [BK ECF Nos. 3123, 3124, 3125, 3126, and 3127] (collectively, “**Appellant’s Designations of Record**”) for the Appeals in the Bankruptcy Court.

15. On December 28, 2021, the Bankruptcy Court Clerk filed a Letter of Correspondence [BK ECF No. 3138] to Appellant’s counsel requesting, *inter alia*, that certain minor amendments be made to Appellant’s Designations of Record. The Letter requested a response within two (2) days.

16. On December 29, 2021, NexPoint timely filed its Notice Regarding Response to Clerk’s Correspondence of December 28, 2021 [BK ECF No. 3140] in which counsel for Appellant made clear its “intention to file a Motion to Consolidate the five appeals into one proceeding with the District Court . . . after the appellees filed their separate designations of record . . . .” and that, in order to alleviate the administrative burden of processing separate records for each of the Appeals (as further explained in ¶ 21 below), NexPoint would wait to file its amendments to Appellant’s Designations of Record until after entry of an order granting or denying its Motion to Consolidate by the District Court.

17. On January 3, 2022, Appellees filed their respective Supplemental Designations of Record on Appeal [BK ECF Nos. 3149, 3150, 3151, 3153, and 3154] for the Appeals in the Bankruptcy Court.

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### III. LEGAL ARGUMENT

18. This Court has broad discretion to consolidate related appeals. Bankruptcy Rule 8003(b)(2) provides that “[w]hen parties have separately filed timely notices of appeal, the district court . . . may join or consolidate the appeals.” Fed. R. Bankr. P. 8003(b)(2). Whether to consolidate separately filed bankruptcy appeals is left to the Court’s discretion. *See Law Offices of Michael R. Nevarez v. Monge (In re Monge)*, 700 F. App’x 354, 355 (5th Cir. 2017) (“The district court exercised its discretion under Federal Rule of Bankruptcy Procedure 8003(b)(2) to consolidate the two lawsuits . . .”); *Tully Constr. Co. v. Cannonsburg Envtl. Assocs. (In re Cannonsburg Envtl. Assocs.)*, 72 F.3d 1260, 1269 (6th Cir. 1996) (“[T]he district court did not abuse its discretion by consolidating the two appeals.”); Fed. R. Bankr. P. 8002 advisory committee’s note to 1983 amendment (“The district courts and bankruptcy appellate panels have inherent authority to consolidate appeals.”).

19. In addition, Civil Rule 42 provides:

(a) Consolidation. If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a). The purpose of consolidation is to “avoid unnecessary costs or delay.” *Id.* Federal district courts have very broad discretion in deciding whether to consolidate cases or, as here, appeals. *See, Frazier v. Garrison I.S.D.*, 980 F.2d 1514, 1531-32 (5th Cir. 1993). In deciding whether to consolidate cases, a district court examines factors that include the following: (1) whether the actions are pending before the same court; (2) whether common parties are involved in the cases; (3) whether there are common questions of law and/or fact; (4) whether there is risk of prejudice or confusion if the cases are consolidated, and if so, is the risk outweighed by the risk

of inconsistent adjudications of factual and legal issues if the cases are tried separately; (5) whether consolidation will conserve judicial resources; (6) whether consolidation will result in an unfair advantage; (7) whether consolidation will reduce the time for resolving the cases; and (8) whether consolidation will reduce the cost of trying the cases separately. *See Harris v. Bexar County*, No. SA-08-CV-728-XR, 2009 U.S. Dist. LEXIS 108984, 2009 WL 4059092, at \*2 (W.D. Tex. Nov. 23, 2009) (quoting *Zolezzi v. Celadon Trucking Servs.*, No. H-08-3508, 2009 U.S. Dist. LEXIS 21226, 2009 WL 736057, at \*2-3 (S.D. Tex. Mar. 16, 2009)); *Russo v. Alamosa Holdings, Inc.*, No. CIV.A. 5:03-CV-312-C, 2004 WL 579378, at \*1 (N.D. Tex. Feb. 27, 2004).

20. Here, every relevant factor favors consolidation. All of the Appeals are currently pending before the District Court and arise from the same Bankruptcy Case in the Bankruptcy Court. NexPoint is the same Appellant in each of the Appeals, represented by the same two law firms as lead and Texas counsel. The Appellees are all retained professionals approved by the Bankruptcy Court, with three out of the five Appellees represented by the same law firm. Three law firms represent all five Appellees. In addition, each of the Orders appealed by NexPoint granted Appellees' respective Final Fee Applications. As such, the issues that NexPoint proposes to raise in all five Appeals are nearly identical - and turn on common issues of law and fact that are the same (or substantially the same) in each of the Appeals. Any differences between the claims and issues in the Appeals are minor and should not impede their consolidation for briefing, argument, and decision.

21. Moreover, consolidating the Appeals will conserve judicial resources significantly. The Appeals are currently distributed amongst five separate District Court Judges. Consolidation of the Appeals under a single case and adjudicator will lighten the caseload of the other four District Court Judges and dramatically diminish the work required of the Courts' Clerks. As shown



by Appellant's Designations of Record and Appellees' Supplemental Designations of Record, the designations of items to be included in the record on appeal for all Appeals are extensive and substantially the same. The Bankruptcy Court Clerk has cautioned all counsel that, in the absence of consolidation, it will take the Clerk at least two to three weeks to prepare and transmit the record for *each* Appeal, with the transmittals occurring *serially over time*. Since the items designated are substantially similar, this will create unnecessary duplicative work for the Bankruptcy Court Clerk and lead to delays in transmittal of the records for the Appeals, which will in turn likely lead to further delays in the briefing schedules and resolution of the Appeals. On the other hand, consolidation of the Appeals would speed up prosecution under a single adjudicator, while also preventing the possible issuance of conflicting opinions on the same issues of law by five separate District Court Judges.

22. Furthermore, all Appeals are currently in the same procedural posture, without set briefing schedules. There is no risk of prejudice, confusion, or unfair advantage if the Appeals are consolidated. Rather, consolidation will conserve judicial resources and the resources of the parties themselves. Consolidation would also help avoid unnecessary costs and delay by eliminating the need for duplicative filings and arguments, and permitting administration of the Appeals on a single, consolidated docket and schedule, with only one hearing required to be set for oral argument, if any.

23. Thus, as no parties are prejudiced by consolidation, and consolidation would best serve the interests of judicial economy, consolidation of the Appeals is warranted, and Appellant's request to consolidate the Appeals should be granted. *See* Fed. R. Civ. P. 42(a); *Hall v. Hall*, 138 S. Ct. 1118, 1131 (2018).

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**IV. PROPOSED PROCEDURES FOR CONSOLIDATION OF THE RECORD ON APPEAL AND BRIEFING**

24. Pursuant to the Certificate of Conference attached hereto, counsel for Appellant have communicated with counsel for Appellees on the relief requested in this Motion. As a result of said communications, all counsel have come to an agreement regarding proposed procedures for consolidation of the record on appeal and briefing. Accordingly, all counsel respectfully request that the Court enter the following procedures in the Order granting this Motion:

a. Within seven (7) days after entry of the Order granting this Motion, Appellant shall file its Consolidated Designation of Items to Be Included in the Record on Appeal and Statement of Issues to Be Presented (“**Appellant’s Consolidated Designation of Record**”) in the Bankruptcy Case pursuant to Bankruptcy Rule 8009.

b. Within seven (7) days after the filing of Appellant’s Consolidated Designation of Record, Appellees shall file their Consolidated Supplemental Designation of Additional Items to Be Included in the Record on Appeal (“**Appellees’ Consolidated Supplemental Designation of Record**”) in the Bankruptcy Case pursuant to Bankruptcy Rule 8009.

c. Upon completion and transmittal of the consolidated record by the Bankruptcy Court Clerk to the District Court Clerk pursuant to Bankruptcy Rule 8010(b), and the filing of notice thereof (the “**Record Transmitted**”) by the District Court Clerk pursuant to Bankruptcy Rule 8010(b)(3), Appellant shall have thirty (30) days to file its Consolidated Opening Brief (“**Appellant’s Opening Brief**”) pursuant to Bankruptcy Rule 8014(a). Appellant’s Opening Brief will be limited in size to no more than sixty (60) pages or twenty-six thousand (26,000) words.

d. Upon service of Appellant’s Opening Brief, Appellees shall have thirty (30)

days to file, at their collective election, either one Consolidated Answering Brief (“**Appellees’ Answering Brief**”) or two separate Consolidated Answering Briefs (“**Appellees’ Answering Briefs**”), pursuant to Bankruptcy Rule 8014(b). If Appellees elect to file one Appellees’ Answering Brief, it will be limited in size to no more than eighty (80) pages or thirty-five thousand (35,000) words. If Appellees elect to file two separate Appellees’ Answering Briefs, then the aggregate size of both briefs will be limited to no more than eighty (80) pages or thirty-five thousand (35,000) words.

e. Upon service of the singular Appellees’ Answering Brief, or the last served brief of the two separate Appellees’ Answering Briefs, Appellant shall have fourteen (14) days to file its Consolidated Reply Brief (“**Appellant’s Reply Brief**”) pursuant to Bankruptcy Rule 8014(c). Appellant’s Reply Brief will be limited in size to no more than thirty-five (35) pages or fifteen thousand (15,000) words.

25. A proposed form of Order granting the Motion is attached hereto as **Exhibit 1**.

WHEREFORE, based on the foregoing, NexPoint respectfully requests that the Court grant this unopposed Motion and enter an order: (1) consolidating Case Nos. 3:21-cv-03086-K, 3:21-cv-03088-X, 3:21-cv-03094-E, 3:21-cv-03096-L, and 3:21-cv-03104-G into one appellate case under the lowest-numbered Appeal — Case No. 3:21-cv-03086-K; (2) establishing the proposed procedures for consolidation of the record on appeal and briefing as outlined herein; and (3) granting any and all other such other relief as the Court deems just and proper.

*[Signature Page to Follow]*

Dated: January 7, 2022.

By: /s/ Kristin H. Jain

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*Local Counsel for NexPoint Advisors, L.P.*

- and -

/s/ Samuel A. Schwartz

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*Counsel for NexPoint Advisors, L.P.*

**CERTIFICATE OF CONFERENCE**

The undersigned counsel for Appellant NexPoint Advisors, L.P. hereby certify that on January 5, 6, and 7, 2022, they communicated with Jeffrey N. Pomerantz, Esq. of Pachulski Stang Ziehl & Jones LLP, counsel for Appellee Pachulski Stang Ziehl & Jones LLP, Benjamin W. Loveland, Esq. of Wilmer Cutler Pickering Hale and Dore LLP, counsel for Appellee Wilmer Cutler Pickering Hale and Dore LLP, and Matthew A. Clemente, Esq. of Sidley Austin LLP, counsel for Appellees Sidley Austin LLP, FTI Consulting, Inc., and Teneo Capital, LLC, regarding the relief requested in Appellant's *Motion to Consolidate Appeals and to Establish Procedures for Consolidation of the Record on Appeal and Briefing*, and Appellees' counsel is unopposed to the relief requested in Appellant's Motion.

Dated: January 7, 2022.

By: /s/ Kristin H. Jain

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*Counsel for NexPoint Advisors, L.P.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 7, 2022, a true and correct copy of the foregoing *Appellant NexPoint Advisors, L.P.'s Unopposed Motion to Consolidate Appeals and to Establish Procedures for Consolidation of the Record on Appeal and Briefing* was served electronically via the Court's ECF system upon all parties of interest requesting or consenting to such service in this case.

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*Counsel for NexPoint Advisors, L.P.*

# EXHIBIT 1

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

In re:  HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>  Reorganized Debtor.	Chapter 11  Case No. 19-34054-sgj11
NEXPOINT ADVISORS, L.P.,  Appellant.  v.  TENEO CAPITAL, LLC,  Appellee.	Case No. 3:21-cv-03094-E

**ORDER GRANTING APPELLANT NEXPOINT ADVISORS, L.P.’S UNOPPOSED  
MOTION TO CONSOLIDATE APPEALS AND TO ESTABLISH PROCEDURES FOR  
CONSOLIDATION OF THE RECORD ON APPEAL AND BRIEFING**

Appellant NexPoint Advisors, L.P. (“NexPoint”), by and through its counsel of record, the law firms of Schwartz Law, PLLC and Jain Law & Associates, PLLC, filed *Appellant NexPoint Advisors, L.P.’s Unopposed Motion to Consolidate Appeals and to Establish Procedures for Consolidation of the Record on Appeal and Briefing* (the “**Motion**”),<sup>2</sup> pursuant to Rule 8003(b)(2) of the Federal Rules of Bankruptcy Procedure, Rule 42(a)(2) of the Federal Rules of Civil Procedure, and Rules 7.1 and 42.1 of the Local Civil Rules of the United States District Court for

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<sup>1</sup> The Reorganized Debtor’s last four digits of its taxpayer identification number are 6725. The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850; Dallas, Texas 75201.

<sup>2</sup> All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.



the Northern District of Texas.

The Court reviewed and considered the Motion, the Certificate of Conference attached to the Motion, and other pleadings and papers in the record of the Bankruptcy Case and the Appeals, of which the Court takes judicial notice under Fed. R. Evid. 201 and 1101.

Having concluded that the Court has jurisdiction to hear the Motion pursuant to 28 U.S.C. §§ 158 and 1334; venue is proper before this Court pursuant to 28 U.S.C. § 1409(a); due and sufficient notice of the Motion was given, and no other or further notice need be given; and after due deliberation thereon, and good and sufficient cause appearing therefor,

**IT IS HEREBY ADJUDGED, ORDERED, AND DECREED AS FOLLOWS:**

1. The Motion is **GRANTED**.
2. The Court hereby consolidates Case No. 3:21-cv-03086-K with Case Nos. 3:21-cv-03088-X, 3:21-cv-03094-E, 3:21-cv-03096-L, and 3:21-cv-03104-G, and orders that the Appeals be merged into one case under Case No. 3:21-cv-03086-K, with all future filings to be filed under Case No. 3:21-cv-03086-K.
3. Within seven (7) days after entry of this Order, Appellant shall file Appellant's Consolidated Designation of Record in the Bankruptcy Case pursuant to Bankruptcy Rule 8009.
4. Within seven (7) days after the filing of Appellant's Consolidated Designation of Record, Appellees shall file Appellees' Consolidated Supplemental Designation of Record in the Bankruptcy Case pursuant to Bankruptcy Rule 8009.
5. Upon the filing of the Record Transmitted by the District Court Clerk pursuant to Bankruptcy Rule 8010(b)(3), Appellant shall have thirty (30) days to file Appellant's Opening Brief pursuant to Bankruptcy Rule 8014(a). Appellant's Opening Brief will be limited in size to no more than sixty (60) pages or twenty-six thousand (26,000) words.

6. Upon service of Appellant's Opening Brief, Appellees shall have thirty (30) days to file, at their collective election, either one Appellees' Answering Brief or two separate Appellees' Answering Briefs, pursuant to Bankruptcy Rule 8014(b). If Appellees elect to file one Appellees' Answering Brief, it will be limited in size to no more than eighty (80) pages or thirty-five thousand (35,000) words. If Appellees elect to file two separate Appellees' Answering Briefs, then the aggregate size of both briefs will be limited to no more than eighty (80) pages or thirty-five thousand (35,000) words.

7. Upon service of the singular Appellees' Answering Brief, or the last served brief of the two separate Appellees' Answering Briefs, Appellant shall have fourteen (14) days to file Appellant's Reply Brief pursuant to Bankruptcy Rule 8014(c). Appellant's Reply Brief will be limited in size to no more than thirty-five (35) pages or fifteen thousand (15,000) words.

8. The Court shall retain jurisdiction with respect to all matters arising from or related to the interpretation and implementation of this Order.

**IT IS SO ORDERED.**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
UNITED STATE DISTRICT JUDGE

###