

Clay M. Taylor (TX Bar No. 24033261)
Bryan C. Assink (TX Bar No. 24089009)
BONDS ELLIS EPPICH SCHAFER JONES LLP
420 Throckmorton Street, Suite 1000
Fort Worth, Texas 76102
(817) 405-6900 telephone
(817) 405-6902 facsimile
Email: clay.taylor@bondsellis.com
Email: bryan.assink@bondsellis.com

Attorneys for James Dondero

Deborah Deitsch-Perez (TX Bar No. 24036072)
Michael P. Aigen (TX Bar No. 24012196)
STINSON LLP
3102 Oak Lawn Avenue, Suite 777
Dallas, Texas 75219-4259
Telephone: (214) 560-2201
Email: deborah.deitschperez@Ssinson.com
Email: michael.aigen@stinson.com

**Attorneys for James Dondero, Highland
Capital Management Services, Inc. and
HCRE Partners, LLC**

Davor Rukavina (TX Bar No. 24030781)
Julian P. Vasek (TX Bar No. 24070790)
Munsch Hardt Kopf & Harr, P.C.
500 N. Akard Street, Suite 3800
Dallas, Texas 75202-2790
Telephone: (214) 855-7500
Telecopier: (214) 978-4375
Email: drukavina@munsch.com

**Attorneys for NexPoint Advisors, L.P. and
Highland Capital Management Fund Advisors, L.P.**

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

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

**JAMES DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,**

Defendants.

Adv. Proc. No. 21-03003

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

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

Defendant.

Adv. Proc. No. 21-03004-sgj



HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

**NEXPOINT ADVISORS, L.P., JAMES DONDERO,
NANCY DONDERO, AND THE DUGABOY
INVESTMENT TRUST,**

Defendants.

Adv. Proc. No. 21-03005

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

**HIGHLAND CAPITAL MANAGEMENT SERVICES,
INC., JAMES DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,**

Defendants.

Adv. Proc. No. 21-03006

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

**HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate
Partners, LLC), JAMES DONDERO, NANCY
DONDERO, AND THE DUGABOY INVESTMENT
TRUST,**

Defendants.

Adv. Proc. No. 21-03007

**AGREED EMERGENCY MOTION FOR LEAVE TO EXCEED PAGE LIMIT
FOR DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION
FOR PARTIAL SUMMARY JUDGMENT**

Defendants James Dondero ("Dondero"), NexPoint Advisors, L.P. ("NexPoint"), Highland Capital Management Services, Inc. ("HCMS"), and HCRE Partners, LLC ("HCRE"), Defendants in the above-captioned Adversary Proceedings, file this Agreed Emergency Motion for Leave to

Exceed Page Limit for Defendants' Response to Plaintiff's Motion for Partial Summary Judgment (the "Motion") and respectfully state as follows.

I. BACKGROUND

1. On January 22, 2021, the Plaintiff commenced the above-captioned adversary proceedings by filing its Original Complaints against the Defendants.

2. On December 17, 2021, the Plaintiff filed its Motion for Partial Summary Judgment and Supporting Brief in each of the above-captioned adversary proceedings.

3. Defendants' response to the Plaintiff's Motion for Partial Summary Judgment is currently due on January 20, 2022.

II. RELIEF REQUESTED AND BASIS FOR RELIEF

4. The Local Bankruptcy Rules of the U.S. Bankruptcy Court for the Northern District of Texas specific the page limit for briefs filed in connection with motions for summary judgment. Specifically, Local Bankruptcy Rule 7056-1(e)(1) provides as follows:

Length of Briefs. The requirements of Local Bankruptcy Rule 7007-2 apply to briefs filed pursuant to this rule, except that, excluding the table of contents and table of authorities, the length of a principal brief may not exceed 50 pages and a reply brief may not exceed 25 pages. The Presiding Judge, by order or other appropriate notice, may restrict or expand the length of briefs permitted by this rule.

L.B.R. 7056-1(e)(1).¹

5. By this Motion, and in accordance with Local Bankruptcy Rule 7056-1(e)(1) and Local Civil Rule 56.5(b), Defendants respectfully seek permission to exceed the Court's 50-page

¹ Similarly, the Local Rules for the U.S. District Court for the Northern District of Texas specify the same page limit requirement for summary judgment briefs. *See* Local Civil Rule 56.5(b) ("The requirements of LR 7.2 apply to briefs filed pursuant to LR 56.5(a), except that, excluding the table of contents and table of authorities, the length of a principal brief must not exceed 50 pages and a reply brief must not exceed 25 pages. The presiding judge, by order or other appropriate notice issued in a civil action, may restrict the length of briefs to fewer pages than are permitted by this rule.").

limitation applicable to briefs in response to a motion for summary judgment. Defendants request that the Court allow Defendants to exceed the page limit by 15 additional pages.

6. Good cause exists to grant this Motion and allow Defendants to exceed the brief page limit.

7. First, the request is justified because the moving Defendants' response brief is one, consolidated response for each of these Defendants in each of the separate adversary proceedings. Defendants must therefore address facts, evidence, and issues unique to each adversary proceeding in one response, which necessarily requires more space than would any individual response. While there is significant overlap between each of the proceedings, Defendants must still consolidate all matters unique to each particular case into one response.

8. Second, the legal and factual issues involved in the adversary proceedings are complex and the evidence extensive, which necessarily requires additional space to address.

9. Finally, the Plaintiff has stated that it is **unopposed** to this request and agrees with the Defendants' request to exceed the response brief page limit by 15 pages.

10. Accordingly, for the reasons set forth above, Defendants respectfully request that the Court (i) consider and grant this Motion on an emergency basis; and (ii) grant Defendants leave to exceed the summary judgment brief page limit by 15 pages.

PRAYER

WHEREFORE, Defendants respectfully request that the Court (i) consider and grant this Motion on an emergency basis; and (ii) grant Defendants leave to exceed the summary judgment brief page limit by 15 pages.

Dated: January 19, 2022.

Respectfully submitted,

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez
State Bar No. 24036072
Michael P. Aigen
State Bar No. 24012196
STINSON LLP
3102 Oak Lawn Avenue, Suite 777
Dallas, Texas 75219
(214) 560-2201 telephone
(214) 560-2203 facsimile
Email: deborah.deitschperez@stinson.com
Email: michael.aigen@stinson.com
**ATTORNEYS FOR JAMES DONDERO, NANCY
DONDERO, HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC. AND NEXPOINT REAL ESTATE
PARTNERS, LLC**

/s/Clay M. Taylor

Clay M. Taylor
State Bar No. 24033261
Bryan C. Assink
State Bar 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: clay.taylor@bondsellis.com
Email: bryan.assink@bondsellis.com
ATTORNEYS FOR JAMES DONDERO

/s/Davor Rukavina

Davor Rukavina
Julian P. Vasek
MUNSCH HARDT KOPF & HARR, P.C.
500 N. Akard Street, Suite 3800
Dallas, Texas 75202-2790
(214) 855-7500 telephone
(214) 978-4375 facsimile
Email: drukavina@munsch.com
**ATTORNEYS FOR NEXPOINT ADVISORS, L.P. AND
HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.**

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that, on January 19, 2022, I conferred with Mr. John Morris, counsel for the Plaintiff, regarding the relief requested herein. Mr. Morris indicated that the Plaintiff does not oppose the Motion and agrees with the Defendants' request to exceed the summary judgment response page limit by 15 pages.

/s/ Michael P. Aigen
Michael P. Aigen

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on January 19, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on counsel for Plaintiff Highland Capital Management, L.P. and on all other parties requesting or consenting to such service in this case.

/s/ Michael P. Aigen
Michael P. Aigen

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

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

**JAMES DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,**

Defendants.

Adv. Proc. No. 21-03003

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

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

Defendant.

Adv. Proc. No. 21-03004-sgj

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

**NEXPOINT ADVISORS, L.P., JAMES DONDERO,
NANCY DONDERO, AND THE DUGABOY
INVESTMENT TRUST,**

Defendants.

Adv. Proc. No. 21-03005

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

**HIGHLAND CAPITAL MANAGEMENT SERVICES,
INC., JAMES DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,**

Defendants.

Adv. Proc. No. 21-03006

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-03007

ORDER GRANTING AGREED EMERGENCY MOTION FOR LEAVE TO EXCEED PAGE LIMIT FOR DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

On this date, the Court considered the *Agreed Emergency Motion for Leave to Exceed Page Limit for Defendants' Response to Plaintiff's Motion for Partial Summary Judgment* (the "Motion") filed by the Defendants in each of the above-captioned adversary proceedings on January 19, 2022. Upon consideration of the Motion, and the fact that Plaintiff Highland Capital Management, L.P. ("Plaintiff") is unopposed to 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 that the Motion is **GRANTED** as set forth herein. It is further

ORDERED that the Defendants' brief in support of their response to Plaintiff's Motion for Partial Summary Judgment may exceed the page limit mandated by L.B.R. 7056-1(e)(2) by no more than fifteen (15) additional pages.

###END OF ORDER###