

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

In re:	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	Case No. 19-34054-sgj11
	§	
Debtor.	§	
<hr/>		
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adv. No. 21-03004
	§	
HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.,	§	
	§	
Defendant.	§	

**DEFENDANT’S RESPONSE IN OPPOSITION TO  
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

Davor Rukavina, Esq.  
State Bar No. 24030781  
Julian P. Vasek, Esq.  
State Bar No. 24070790  
MUNSCH HARDT KOPF & HARR P.C.  
500 N. Akard St., Ste. 3800  
Dallas, TX 75201  
Tel: 214-855-7500  
Fax: 214-855-7584

ATTORNEYS FOR HIGHLAND CAPITAL  
MANAGEMENT FUND ADVISORS, L.P.



TO THE HONORABLE STACEY G.C. JERNIGAN,  
UNITED STATES BANKRUPTCY JUDGE:

NOW COMES Highland Capital Management Fund Advisors, L.P. (“HCMFA”), defendant in the above-captioned adversary proceeding, and files this its response in opposition to *Highland Capital Management, L.P.’s Motion for Partial Summary Judgment* (Dkt. No. 91, the “Motion”), filed by plaintiff Highland Capital Management, L.P., in support of which HCMFA would respectfully show the Court as follows:

For the reasons set forth in the *Defendant’s Brief in Opposition to Plaintiff’s Motion for Summary Judgment* (“Brief”), which is being filed contemporaneously herewith, and based on the evidence cited therein, HCMFA opposes all relief requested in the Motion. Pursuant to Local Rule 7056(d)(2), HCMFA sets forth the legal and factual grounds for its opposition in its Brief.

WHEREFORE, PREMISES CONSIDERED, HCMFA respectfully requests that the Motion be DENIED and that HCMFA be provided such other and further relief to which it is entitled.

RESPECTFULLY SUBMITTED this 19th day of January, 2022.

**MUNSCH HARDT KOPF & HARR, P.C.**

By: /s/ Davor Rukavina

---

Davor Rukavina, Esq.  
State Bar No. 24030781  
Julian P. Vasek, Esq.  
State Bar No. 24070790  
500 N. Akard St., Ste. 3800  
Dallas, TX 75201  
Tel: 214-855-7500  
Fax: 214-855-7584  
E-mail: [drukavina@munsch.com](mailto:drukavina@munsch.com)  
E-mail: [jvasek@munsch.com](mailto:jvasek@munsch.com)

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

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on January 19, 2022, a true and correct copy of this document, along with all exhibits, if any, was served on the following recipients via the Court's CM/ECF system:

Zachery Z. Annable on behalf of Plaintiff Highland Capital Management, L.P.  
[zannable@haywardfirm.com](mailto:zannable@haywardfirm.com)

Melissa S. Hayward on behalf of Plaintiff Highland Capital Management, L.P.  
[MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com), [mholmes@HaywardFirm.com](mailto:mholmes@HaywardFirm.com)

Juliana Hoffman on behalf of Creditor Committee Official Committee of Unsecured Creditors  
[jhoffman@sidley.com](mailto:jhoffman@sidley.com), [txefilingnotice@sidley.com](mailto:txefilingnotice@sidley.com); [julianna-hoffman-8287@ecf.pacerpro.com](mailto:julianna-hoffman-8287@ecf.pacerpro.com)

Paige Holden Montgomery on behalf of Creditor Committee Official Committee of Unsecured Creditors  
[pmontgomery@sidley.com](mailto:pmontgomery@sidley.com), [txefilingnotice@sidley.com](mailto:txefilingnotice@sidley.com); [paige-montgomery-7756@ecf.pacerpro.com](mailto:paige-montgomery-7756@ecf.pacerpro.com); [crognes@sidley.com](mailto:crognes@sidley.com); [ebromagen@sidley.com](mailto:ebromagen@sidley.com); [efilingnotice@sidley.com](mailto:efilingnotice@sidley.com)

/s/ Davor Rukavina  

---

Davor Rukavina