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**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**

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

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 Amended Agreed Emergency Motion for

Leave to Exceed Page Limit for Defendants' Response to Plaintiff's Motion for Partial Summary Judgment and Proposed Order and respectfully state as follows.

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.

4. On January 19, 2022, Defendants filed an Agreed Emergency Motion for Leave to Exceed Page Limit for Defendants' Response to Plaintiff's Motion for Partial Summary Judgment (the "Motion") in each of the above-captioned adversary proceedings, requesting that the Court allow Defendants to exceed the summary judgment brief page limit by 15 pages. Contemporaneously with the filing of the Motion, Defendants filed an unopposed request for emergency hearing on the Motion.

5. On January 20, 2022, Defendants and Plaintiff announced to the Court a modification to the relief requested in the Motion and the terms of an amended agreement regarding the relief requested by Defendants in the Motion.

6. Under the agreement, Defendants have agreed to only seek an additional 5 pages to the brief limit and the Plaintiff has agreed to this request.

7. Accordingly, by this amended motion, Defendants modify the relief requested in the original Motion and seek entry of a revised proposed order substantially in the form attached hereto granting the Motion as amended. As more fully set forth in the original Motion, Defendants

believe the request to exceed the page limit by 5 pages is justified due to the consolidation of the cases and the complexity of the legal and factual issues in these adversary proceedings.

WHEREFORE, for the reasons stated herein and in the original Motion, Defendants respectfully request that the Court (i) consider and grant the Motion, as amended, on an emergency basis; and (ii) grant Defendants leave to exceed the summary judgment brief page limit by 5 pages.

Dated: January 20, 2022.

Respectfully submitted,

/s/Deborah Deitsch-Perez

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**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 20, 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 as amended and agrees with the Defendants' request to exceed the summary judgment response page limit by 5 pages.

/s/ Michael P. Aigen

Michael P. Aigen

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on January 20, 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 AMENDED 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 *Amended Agreed Emergency Motion for Leave to Exceed Page Limit for Defendants' Response to Plaintiff's Motion for Partial Summary Judgment*

(the “Motion”)<sup>1</sup> filed by the Defendants in each of the above-captioned adversary proceedings on January 20, 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 five (5) additional pages.

###END OF ORDER###

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<sup>1</sup> The relief requested in the Motion was amended by Defendants pursuant to an agreement with the Plaintiff that was announced to the Court by email dated January 20, 2022. Defendants thereafter filed an amended motion with this Court indicating that they seek only to exceed the summary judgment brief page limit by five (5) pages.