

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

**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

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 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”)¹ 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###

¹ 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.