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*Counsel for Defendants James Dondero, Nancy Dondero,  
Highland Capital Management Services, Inc. and  
HCRE Partners, LLC*

**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**

**Case No. 3:21-cv-03160-C**

**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**

**Case No. 3:21-cv-03162-K**



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<p><b>HIGHLAND CAPITAL MANAGEMENT, L.P.,</b></p> <p><b>Plaintiff,</b></p> <p>vs.</p> <p><b>HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</b></p> <p><b>Defendants.</b></p>	<p><b>Adv. Proc. No. 21-03006</b></p> <p><b>Case No. 3:21-cv-03179-M</b></p>
<p><b>HIGHLAND CAPITAL MANAGEMENT, L.P.,</b></p> <p><b>Plaintiff,</b></p> <p>vs.</p> <p><b>HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</b></p> <p><b>Defendants.</b></p>	<p><b>Adv. Proc. No. 21-03007</b></p> <p><b>Case No. 3:21-cv-03207-S</b></p>

**NOTICE OF STIPULATION CONSOLIDATING AND STAYING BRIEFING ON APPEAL OF MOTIONS TO COMPEL ARBITRATION**

PLEASE TAKE NOTICE that, on January 18, 2022, Plaintiff Highland Capital Management, L.P. and Defendants James Dondero, Nancy Dondero, and The Dugaboy Investment Trust, filed a joint *Stipulation Consolidating and Staying Briefing on Appeal of Motions to Compel Arbitration* in the United States District Court for the Northern District of Texas, under Case Nos. 3:21-cv-03160-C (Dkt. 2), 3:21-cv-03162-K (Dkt 2), 3:21-cv-03179-M (Dkt. 2), and 3:21-cv-03207-S (Dkt. 2) (the "Stipulation"). Pursuant to the Stipulation, a copy of which is attached hereto, Defendants file this Notice of Stipulation, notifying the Bankruptcy Court of the Stipulation.

On January 21, 2022, United States District Court Judge Brantley Starr entered an *Order Granting Construed Agreed Motion to Consolidate the Note Cases*, which consolidates the above-

referenced case numbers into Case No. 3:21-cv-00881 and stays the consolidated appellate proceedings (Dkt. 30). A copy of that order is attached.

Dated: January 21, 2022

Respectfully submitted,

**STINSON LLP**

/s/ Michael P. Aigen

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Michael P. Aigen

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**ATTORNEYS FOR THE DUGABOY  
INVESTMENT TRUST**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on January 21, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on all parties registered to receive electronic notices in this case.

/s/ Michael P. Aigen  
Michael P. Aigen

John A. Morris (*pro hac vice*) (NY Bar No. 266326)  
Jordan A. Kroop (*pro hac vice*) (NY Bar No. 2680882)  
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*Attorneys for The Dugaboy Investment Trust*

**IN THE UNITED STATES DISTRICT 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

Case No. 3:21-cv-03160-C

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  Case No. 3:21-cv-03162-K
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  Case No. 3:21-cv-03179-M
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  Case No. 3:21-cv-03207-S

**STIPULATION CONSOLIDATING AND STAYING BRIEFING ON APPEAL OF  
MOTIONS TO COMPEL ARBITRATION**

This Stipulation is entered into between and among Highland Capital Management, L.P., the plaintiff (the "Plaintiff" or "Appellee") in the above-referenced adversary proceedings (the "Adversary Proceedings"), on the one hand, and James Dondero, Nancy Dondero, and The

Dugaboy Investment Trust ("Dugaboy" and together with James Dondero and Nancy Dondero, the "Defendants" or "Appellants") (Plaintiff and Defendants together, the "Parties"), the defendants in the Adversary Proceedings, on the other hand.

### **RECITALS**

WHEREAS, on January 22, 2021, Plaintiff commenced the Adversary Proceedings;

WHEREAS, Plaintiff subsequently amended its pleading to add additional claims and parties (collectively, the "Amended Complaints");

WHEREAS, the Amended Complaints asserted new claims against Defendants James Dondero, Nancy Dondero, and Dugaboy, including declaratory relief (Count V), breach of fiduciary duty (Count VI), and aiding and abetting a breach of fiduciary duty (Count VII) (collectively, the "New Claims");

WHEREAS, on September 1, 2021, Defendants filed Motions to Compel Arbitration and Stay Litigation with respect to the New Claims asserted in the Amended Complaints;

WHEREAS, on December 3, 2021, the U.S. Bankruptcy Court for the Northern District of Texas (Jernigan, B.J.) (the "Bankruptcy Court") issued a *Memorandum Opinion and Order Denying Arbitration Request and Related Relief* (the "Arbitration Order");

WHEREAS, on December 16, 2021, the Defendants filed Notices of Appeal related to the Arbitration Order in each of the Adversary Proceedings;

WHEREAS, the appeals of the Arbitration Order are currently pending in the above-referenced cases in this Court (the "Appellate Proceedings");

WHEREAS, each Appellate Proceeding is based on the same Arbitration Order, has identical Appellants and Appellee, and presents issues substantively identical to the other three Appellate Proceedings;

WHEREAS, the appeals of other Bankruptcy Court orders from the Adversary Proceedings are currently pending before Judge Brantley Starr;

WHEREAS, on December 17, 2021, Plaintiff moved for partial summary judgment on the first and second claims for relief set forth in the Amended Complaints (the "Summary Judgment Motion"); and

WHEREAS, the Parties have agreed to enter into this Stipulation to consolidate, transfer, and stay the Appellate Proceedings and to stay prosecution of the New Claims in the Bankruptcy Court until final resolution of the Summary Judgment Motion, including appeals;

### **STIPULATION**

NOW, THEREFORE, in consideration of the foregoing, the Parties agree and stipulate as follows:

1. The four Appellate Proceedings shall be consolidated for all purposes and transferred into Judge Brantley Starr's court (the "Consolidated Appellate Proceeding").
2. The Consolidated Appellate Proceeding, including briefing, shall be stayed until final resolution of the Summary Judgment Motion.
3. Specifically, final resolution of the Summary Judgment Motion means a final order on the Summary Judgment Motion by the Bankruptcy Court following any appeals of any Bankruptcy Court order resolving the Summary Judgment Motion ("Final Resolution"). On Final Resolution, the Parties shall immediately notify the District Court and request either a dismissal of, or a briefing schedule for, the Consolidated Appellate Proceeding.
4. This Stipulation (including the fact that the Stipulation was entered into by the Parties) shall not be used in any way to delay any other proceedings in the Bankruptcy Court.



5. The New Claims shall not be prosecuted or pursued in any manner during the duration of this stay.

6. The Parties shall file a Notice of Stipulation in the Adversary Proceedings, notifying the Bankruptcy Court of this Stipulation.

Dated: January 18, 2022

CONSENTED AND AGREED TO BY:

/s/ Jordan A. Kroop  
John A. Morris (*pro hac vice*)  
(NY Bar No. 266326)  
Jordan A. Kroop (*pro hac vice*)  
(NY Bar No. 2680882)  
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/s/ Michael P. Aigen  
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*Attorneys for James Dondero  
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*Attorneys for The Dugaboy Investment Trust*

**CERTIFICATE OF SERVICE**

I certify that on January 18, 2022, a true and correct copy of the foregoing document was served via the Court's Electronic Case Filing system to the parties that are registered or otherwise entitled to receive electronic notices in this adversary proceeding.

*/s/ Michael P. Aigen* \_\_\_\_\_

Michael P. Aigen

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*Attorneys for The Dugaboy Investment Trust*

**IN THE UNITED STATES DISTRICT 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

Case No. 3:21-cv-03160-C

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

Case No. 3:21-cv-03162-K

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

Case No. 3:21-cv-03179-M

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

Case No. 3:21-cv-03207-S

**STIPULATION CONSOLIDATING AND STAYING BRIEFING ON APPEAL OF  
MOTIONS TO COMPEL ARBITRATION**

This Stipulation is entered into between and among Highland Capital Management, L.P., the plaintiff (the "Plaintiff" or "Appellee") in the above-referenced adversary proceedings (the "Adversary Proceedings"), on the one hand, and James Dondero, Nancy Dondero, and The

Dugaboy Investment Trust ("Dugaboy" and together with James Dondero and Nancy Dondero, the "Defendants" or "Appellants") (Plaintiff and Defendants together, the "Parties"), the defendants in the Adversary Proceedings, on the other hand.

### RECITALS

WHEREAS, on January 22, 2021, Plaintiff commenced the Adversary Proceedings;

WHEREAS, Plaintiff subsequently amended its pleading to add additional claims and parties (collectively, the "Amended Complaints");

WHEREAS, the Amended Complaints asserted new claims against Defendants James Dondero, Nancy Dondero, and Dugaboy, including declaratory relief (Count V), breach of fiduciary duty (Count VI), and aiding and abetting a breach of fiduciary duty (Count VII) (collectively, the "New Claims");

WHEREAS, on September 1, 2021, Defendants filed Motions to Compel Arbitration and Stay Litigation with respect to the New Claims asserted in the Amended Complaints;

WHEREAS, on December 3, 2021, the U.S. Bankruptcy Court for the Northern District of Texas (Jernigan, B.J.) (the "Bankruptcy Court") issued a *Memorandum Opinion and Order Denying Arbitration Request and Related Relief* (the "Arbitration Order");

WHEREAS, on December 16, 2021, the Defendants filed Notices of Appeal related to the Arbitration Order in each of the Adversary Proceedings;

WHEREAS, the appeals of the Arbitration Order are currently pending in the above-referenced cases in this Court (the "Appellate Proceedings");

WHEREAS, each Appellate Proceeding is based on the same Arbitration Order, has identical Appellants and Appellee, and presents issues substantively identical to the other three Appellate Proceedings;

WHEREAS, the appeals of other Bankruptcy Court orders from the Adversary Proceedings are currently pending before Judge Brantley Starr;

WHEREAS, on December 17, 2021, Plaintiff moved for partial summary judgment on the first and second claims for relief set forth in the Amended Complaints (the "Summary Judgment Motion"); and

WHEREAS, the Parties have agreed to enter into this Stipulation to consolidate, transfer, and stay the Appellate Proceedings and to stay prosecution of the New Claims in the Bankruptcy Court until final resolution of the Summary Judgment Motion, including appeals;

### **STIPULATION**

NOW, THEREFORE, in consideration of the foregoing, the Parties agree and stipulate as follows:

1. The four Appellate Proceedings shall be consolidated for all purposes and transferred into Judge Brantley Starr's court (the "Consolidated Appellate Proceeding").
2. The Consolidated Appellate Proceeding, including briefing, shall be stayed until final resolution of the Summary Judgment Motion.
3. Specifically, final resolution of the Summary Judgment Motion means a final order on the Summary Judgment Motion by the Bankruptcy Court following any appeals of any Bankruptcy Court order resolving the Summary Judgment Motion ("Final Resolution"). On Final Resolution, the Parties shall immediately notify the District Court and request either a dismissal of, or a briefing schedule for, the Consolidated Appellate Proceeding.
4. This Stipulation (including the fact that the Stipulation was entered into by the Parties) shall not be used in any way to delay any other proceedings in the Bankruptcy Court.

5. The New Claims shall not be prosecuted or pursued in any manner during the duration of this stay.

6. The Parties shall file a Notice of Stipulation in the Adversary Proceedings, notifying the Bankruptcy Court of this Stipulation.

Dated: January 18, 2022

CONSENTED AND AGREED TO BY:

/s/ Jordan A. Kroop  
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(NY Bar No. 266326)  
Jordan A. Kroop (*pro hac vice*)  
(NY Bar No. 2680882)  
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*/s/ Michael P. Aigen* \_\_\_\_\_

Michael P. Aigen



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HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

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Defendants.

Adv. Proc. No. 21-03003

Case No. 3:21-cv-03160-C

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Plaintiff,

vs.

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Case No. 3:21-cv-03162-K

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

Case No. 3:21-cv-03179-M

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

Case No. 3:21-cv-03207-S

**STIPULATION CONSOLIDATING AND STAYING BRIEFING ON APPEAL OF  
MOTIONS TO COMPEL ARBITRATION**

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**STIPULATION CONSOLIDATING AND STAYING BRIEFING ON APPEAL OF MOTIONS TO COMPEL  
ARBITRATION – PAGE 2**

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Dugaboy Investment Trust ("Dugaboy" and together with James Dondero and Nancy Dondero, the "Defendants" or "Appellants") (Plaintiff and Defendants together, the "Parties"), the defendants in the Adversary Proceedings, on the other hand.

### **RECITALS**

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WHEREAS, the appeals of the Arbitration Order are currently pending in the above-referenced cases in this Court (the "Appellate Proceedings");

WHEREAS, each Appellate Proceeding is based on the same Arbitration Order, has identical Appellants and Appellee, and presents issues substantively identical to the other three Appellate Proceedings;

WHEREAS, the appeals of other Bankruptcy Court orders from the Adversary Proceedings are currently pending before Judge Brantley Starr;

WHEREAS, on December 17, 2021, Plaintiff moved for partial summary judgment on the first and second claims for relief set forth in the Amended Complaints (the "Summary Judgment Motion"); and

WHEREAS, the Parties have agreed to enter into this Stipulation to consolidate, transfer, and stay the Appellate Proceedings and to stay prosecution of the New Claims in the Bankruptcy Court until final resolution of the Summary Judgment Motion, including appeals;

### **STIPULATION**

NOW, THEREFORE, in consideration of the foregoing, the Parties agree and stipulate as follows:

1. The four Appellate Proceedings shall be consolidated for all purposes and transferred into Judge Brantley Starr's court (the "Consolidated Appellate Proceeding").
2. The Consolidated Appellate Proceeding, including briefing, shall be stayed until final resolution of the Summary Judgment Motion.
3. Specifically, final resolution of the Summary Judgment Motion means a final order on the Summary Judgment Motion by the Bankruptcy Court following any appeals of any Bankruptcy Court order resolving the Summary Judgment Motion ("Final Resolution"). On Final Resolution, the Parties shall immediately notify the District Court and request either a dismissal of, or a briefing schedule for, the Consolidated Appellate Proceeding.
4. This Stipulation (including the fact that the Stipulation was entered into by the Parties) shall not be used in any way to delay any other proceedings in the Bankruptcy Court.

5. The New Claims shall not be prosecuted or pursued in any manner during the duration of this stay.

6. The Parties shall file a Notice of Stipulation in the Adversary Proceedings, notifying the Bankruptcy Court of this Stipulation.

Dated: January 18, 2022

CONSENTED AND AGREED TO BY:

/s/ Jordan A. Kroop  
John A. Morris (*pro hac vice*)  
(NY Bar No. 266326)  
Jordan A. Kroop (*pro hac vice*)  
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**CERTIFICATE OF SERVICE**

I certify that on January 18, 2022, a true and correct copy of the foregoing document was served via the Court's Electronic Case Filing system to the parties that are registered or otherwise entitled to receive electronic notices in this adversary proceeding.

*/s/ Michael P. Aigen* \_\_\_\_\_

Michael P. Aigen

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*Attorneys for The Dugaboy Investment Trust*

**IN THE UNITED STATES DISTRICT 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

Case No. 3:21-cv-03160-C

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  Case No. 3:21-cv-03162-K
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  Case No. 3:21-cv-03179-M
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  Case No. 3:21-cv-03207-S

**STIPULATION CONSOLIDATING AND STAYING BRIEFING ON APPEAL OF  
MOTIONS TO COMPEL ARBITRATION**

This Stipulation is entered into between and among Highland Capital Management, L.P., the plaintiff (the "Plaintiff" or "Appellee") in the above-referenced adversary proceedings (the "Adversary Proceedings"), on the one hand, and James Dondero, Nancy Dondero, and The



Dugaboy Investment Trust ("Dugaboy" and together with James Dondero and Nancy Dondero, the "Defendants" or "Appellants") (Plaintiff and Defendants together, the "Parties"), the defendants in the Adversary Proceedings, on the other hand.

### RECITALS

WHEREAS, on January 22, 2021, Plaintiff commenced the Adversary Proceedings;

WHEREAS, Plaintiff subsequently amended its pleading to add additional claims and parties (collectively, the "Amended Complaints");

WHEREAS, the Amended Complaints asserted new claims against Defendants James Dondero, Nancy Dondero, and Dugaboy, including declaratory relief (Count V), breach of fiduciary duty (Count VI), and aiding and abetting a breach of fiduciary duty (Count VII) (collectively, the "New Claims");

WHEREAS, on September 1, 2021, Defendants filed Motions to Compel Arbitration and Stay Litigation with respect to the New Claims asserted in the Amended Complaints;

WHEREAS, on December 3, 2021, the U.S. Bankruptcy Court for the Northern District of Texas (Jernigan, B.J.) (the "Bankruptcy Court") issued a *Memorandum Opinion and Order Denying Arbitration Request and Related Relief* (the "Arbitration Order");

WHEREAS, on December 16, 2021, the Defendants filed Notices of Appeal related to the Arbitration Order in each of the Adversary Proceedings;

WHEREAS, the appeals of the Arbitration Order are currently pending in the above-referenced cases in this Court (the "Appellate Proceedings");

WHEREAS, each Appellate Proceeding is based on the same Arbitration Order, has identical Appellants and Appellee, and presents issues substantively identical to the other three Appellate Proceedings;

WHEREAS, the appeals of other Bankruptcy Court orders from the Adversary Proceedings are currently pending before Judge Brantley Starr;

WHEREAS, on December 17, 2021, Plaintiff moved for partial summary judgment on the first and second claims for relief set forth in the Amended Complaints (the "Summary Judgment Motion"); and

WHEREAS, the Parties have agreed to enter into this Stipulation to consolidate, transfer, and stay the Appellate Proceedings and to stay prosecution of the New Claims in the Bankruptcy Court until final resolution of the Summary Judgment Motion, including appeals;

### **STIPULATION**

NOW, THEREFORE, in consideration of the foregoing, the Parties agree and stipulate as follows:

1. The four Appellate Proceedings shall be consolidated for all purposes and transferred into Judge Brantley Starr's court (the "Consolidated Appellate Proceeding").
2. The Consolidated Appellate Proceeding, including briefing, shall be stayed until final resolution of the Summary Judgment Motion.
3. Specifically, final resolution of the Summary Judgment Motion means a final order on the Summary Judgment Motion by the Bankruptcy Court following any appeals of any Bankruptcy Court order resolving the Summary Judgment Motion ("Final Resolution"). On Final Resolution, the Parties shall immediately notify the District Court and request either a dismissal of, or a briefing schedule for, the Consolidated Appellate Proceeding.
4. This Stipulation (including the fact that the Stipulation was entered into by the Parties) shall not be used in any way to delay any other proceedings in the Bankruptcy Court.

5. The New Claims shall not be prosecuted or pursued in any manner during the duration of this stay.

6. The Parties shall file a Notice of Stipulation in the Adversary Proceedings, notifying the Bankruptcy Court of this Stipulation.

Dated: January 18, 2022

CONSENTED AND AGREED TO BY:

/s/ Jordan A. Kroop  
John A. Morris (*pro hac vice*)  
(NY Bar No. 266326)  
Jordan A. Kroop (*pro hac vice*)  
(NY Bar No. 2680882)  
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*Attorneys for The Dugaboy Investment Trust*

**CERTIFICATE OF SERVICE**

I certify that on January 18, 2022, a true and correct copy of the foregoing document was served via the Court's Electronic Case Filing system to the parties that are registered or otherwise entitled to receive electronic notices in this adversary proceeding.

*/s/ Michael P. Aigen* \_\_\_\_\_

Michael P. Aigen

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

---

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.,

Defendant.

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Adv. Proc. No. 21-03004-sgj

Case No. 3:21-cv-00881

**ORDER GRANTING CONSTRUED AGREED MOTION  
TO CONSOLIDATE THE NOTE CASES**

The Court previously ordered consolidation of five Note Cases into case 3:21-cv-881. [Doc. No. 24.] Counsel in those five Note Cases and four additional Note Cases have now agreed to further consolidation of four additional Note Cases—**3:21-cv-3160, 3:21-cv-3162, 3:21-cv-3179, and 3:21-cv-3207**—into case 3:21-cv-881. Counsel filed an “agreed consolidation” on the dockets for the four additional Note Cases.<sup>1</sup> The Court construes it as a joint motion for consolidation under case 3:21-cv-881.

Having considered the Motion the Court finds that consolidation of the additional Note Cases is warranted under Rule 42(a) of the Federal Rules of Civil Procedure and that the interests of judicial efficiency are best served by consolidation of the additional Note Cases under case 3:21-cv-881. The Court therefore **GRANTS** the construed joint motion to consolidate.

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<sup>1</sup> See, e.g., 3:21-cv-3160, Doc. No. 2.

**IT IS HEREBY ORDERED THAT:**

1. The Note Cases are consolidated under the lead case, No. 3:21-cv-881 for all purposes other than that Case No. 3:21-cv-881 may be tried separately (or that the determination of whether such case shall be tried separately is deferred until after all summary judgement motions are heard and decided), to be heard by the Honorable Judge Starr.
2. The cases consolidated under No. 3:21-cv-881 are:
  - 3:21-cv-3160
  - 3:21-cv-3162
  - 3:21-cv-3179
  - 3:21-cv-3207
3. All future filings related to all Note Cases shall be filed on the docket for No. 3:21-cv-881.
4. In addition, all consolidated cases shall be closed and the pending motions terminated. If counsel wishes to renew any terminated motions that were pending at the time of consolidation in the consolidated cases, they must renew the motions and file them on the docket for case 3:21-cv-881 within 7 days of this Order.

The parties have also agreed to “stay the Appellate Proceedings and to stay prosecution of the New Claims in the Bankruptcy Court until final resolution of the Summary Judgment Motion, including appeals.”<sup>2</sup> The Court finds a stay highly warranted in these circumstances. Accordingly, the Court **STAYS** the consolidated appellate proceedings of the Note Cases (No. 3:21-cv-881) and

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<sup>2</sup> *Id.* at 4.

**ORDERS** the parties to comply with their agreement to forego action in this Court—including briefing—until the Bankruptcy Court has entered its order on the motion for summary judgment.

**IT IS SO ORDERED** this 20th day of January, 2022.

A handwritten signature in black ink, appearing to read "Brantley Starr", written over a horizontal line.

BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE