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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.

SCOTT BYRON ELLINGTON,

Petitioner,

v.

PATRICK DAUGHERTY,

Respondent.

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 22-03003-sgj
*Removed from the 101st Judicial
District Court of Dallas County,
Texas Cause No. DC-22-0304*

MOTION FOR SETTING AND REQUEST FOR EXPEDITED HEARING

1. Scott Ellington (“**Ellington**”) hereby requests that a hearing be set on *Scott Ellington’s Emergency Motion to Abstain and Remand* [Docket No.] (the “**Emergency Abstention Motion**”) not later than January 26, 2022. In the Emergency Abstention Motion, Ellington moves the Court to (1) abstain from hearing the issues in the above-captioned adversary proceeding (the



“*Removed Action*”) and (2) remand the Removed Action to the state court in which it was originally filed (the “*State Court*”). Hearing by such date is necessary because the State Court has entered a Temporary Restraining Order (the “*TRO*”) against Patrick Daugherty (“*Daugherty*”), which is set to expire on January 26, 2022. The State Court has also set a temporary injunction hearing for January 26, 2022, the same date that the TRO expires.

2. Notice of proposed expedited hearing will be provide to:
 - a. Drew K. York <dyork@grayreed.com>, Counsel for Patrick Daugherty;
 - b. Drake Rayshell <drayshell@grayreed.com>, Counsel for Patrick Daugherty;
 - c. Ruth Ann Daniels <rdaniels@grayreed.com>; Counsel for Patrick Daugherty;
 - d. John Morris jmorris@pszjlaw.com, Counsel for the Debtor;
 - e. Jeffrey N. Pomerantz jpomerantz@pszjlaw.com, Counsel for the Debtor;
 - f. Jason S. Brookner jbrookner@grayreed.com, Counsel for Patrick Daugherty.

by email as indicated above and will be sufficient because there are no other parties appearing in the adversary proceeding and the parties have met and conferred regarding the relief sought.

3. A hearing was not requested earlier because the Removed Action was just removed on January 18, 2022. Ellington moved quickly to prepare and file the Emergency Abstention Motion and to confer with opposing counsel regarding same.

Dated: January 25, 2022

By: /s/ Frances A. Smith

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Co-Counsel for Scott Ellington

CERTIFICATE OF CONFERENCE

In compliance with L.B.R. 7007-1(b), I certify that a meet and confer was conducted with counsel for Patrick Daugherty on January 25, 2022 regarding the Motion. The parties were not able to resolve the issues raised in this motion.

/s/ Debra A. Dandeneau
Debra A. Dandeneau

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 25th day of January 2022, a true and correct copy of the above and foregoing document was served on all known counsel via email as set forth below and by the Court's ECF filing system on those parties who have registered for receipt of electronic notice in this case.

/s/ Frances A. Smith
Frances A. Smith

Drew K. York <dyork@grayreed.com>, Counsel for Patrick Daugherty;

Drake Rayshell <drayshell@grayreed.com>, Counsel for Patrick Daugherty;

Ruth Ann Daniels <rdaniels@grayreed.com>; Counsel for Patrick Daugherty;

John Morris jmorris@pszjlaw.com, Counsel for the Debtor;

Jeffrey N. Pomerantz jpomerantz@pszjlaw.com, Counsel for the Debtor;

Jason S. Brookner jbrookner@grayreed.com, Counsel for Patrick Daugherty.

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

<p>In re: HIGHLAND CAPITAL MANAGEMENT, L.P., Reorganized Debtor.</p> <hr/> <p>SCOTT BYRON ELLINGTON, Petitioner, v. PATRICK DAUGHERTY, Respondent.</p>	<p>Chapter 11 Case No. 19-34054-sgj11 Adv. Pro. No. 22-03003-sgj <i>Removed from the 101st Judicial District Court of Dallas County, Texas Cause No. DC-22-0304</i></p>
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ORDER REGARDING REQUEST FOR EXPEDITED HEARING

The request for expedited hearing on *Scott Ellington's Emergency Motion to Abstain and to Remand* filed by Scott Ellington ("**Ellington**") is GRANTED/DENIED.

_____ A hearing will be held at 1100 Commerce Street, Room 1428, Dallas, TX 75242 on _____ at _____ .m. Counsel for movant shall serve this order on interested parties.

_____ No expedited hearing will be scheduled.

End of Order

Proposed form of order prepared by:

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