

AGREED MOTION TO CONTINUE TRIAL AND PRE-TRIAL DEADLINES

Plaintiffs UBS Securities LLC and UBS AG London Branch (together, “UBS”), with the agreement of Defendant Highland Capital Management, L.P. (the “Debtor,” and together with UBS, the “Parties”), submit this *Agreed Motion to Continue Trial and Pre-Trial Deadlines* (the “Motion”) to continue the trial currently scheduled for the week of May 16, 2022, among other deadlines, and respectfully state as follows:

ARGUMENT

1. On March 31, 2021, UBS commenced this adversary proceeding (the “Adversary Proceeding”) against the Debtor regarding the transfer of assets, totaling over \$100 million, from funds currently or previously controlled, owned, and/or managed by the Debtor to Sentinel Reinsurance, Ltd. (“Sentinel”) [Adv. Dkt. No. 3].

1. On April 1, 2021, the Court issued the *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Adv. Dkt. No. 9]. After other extensions due to ongoing discovery, the Court granted the Parties’ Agreed Motion to Continue Trial and Pre-Trial Deadlines on December 12, 2021 [Adv. Dkt. No. 161, the “Order”], moving the deadline for dispositive motions to March 10, 2022; the deadlines for various pretrial submissions to April 22 and 29, 2022; and the trial docket call and trial week to May 9 and 16, 2022, respectively.

2. Since entry of the Court’s Order, the Parties have been engaged in good faith settlement discussions that may obviate the need for a trial in the Adversary Proceeding. In order to allow the Parties to continue these discussions, UBS respectfully requests that the Court extend the current deadlines² in the Adversary Proceeding, as listed below:

² Pursuant to this Court’s guidelines, “[t]rial docket call and trial settings are only reset by motion to continue or oral motion in court.” Judge Stacey G. C. Jernigan, U.S. Bankr. Ct., N. Dist.

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Dispositive Motion Deadline	March 10, 2022	July 14, 2022
Exhibit and Witness Lists	April 22, 2022	August 26, 2022
Joint Pretrial Order	April 29, 2022	September 2, 2022
Proposed Findings of Fact and Conclusions of Law	April 29, 2022	September 2, 2022
Trial Docket Call	May 9, 2022 at 1:30 pm CT	September 12, 2022 at 1:30 pm CT
Trial Week Begins	May 16, 2022	September 19, 2022

CONCLUSION

3. UBS thus respectfully requests that the Court enter an order, substantially in the form of the Proposed Order attached as Exhibit A, continuing the (i) deadline to file a dispositive motion, (ii) trial docket call and trial week, and (iii) pre-trial filings in this Adversary Proceeding.

Dated: February 8, 2022

Respectfully submitted,

/s/ Sarah Tomkowiak

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of Tex., Judge-Specific Guidelines, <https://www.txnb.uscourts.gov/content/judge-stacey-g-c-jernigan#> (last visited Nov. 30, 2021).

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*Counsel for UBS Securities LLC and UBS AG
London Branch*

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on February 8, 2022, counsel for UBS conferred with counsel to the Debtor regarding the relief requested in this Motion. Counsel for the Debtor indicated that the Debtor agrees to the relief requested herein.

Dated: February 8, 2022

/s/ Sarah Tomkowiak
Sarah Tomkowiak

CERTIFICATE OF SERVICE

I, Candice Carson, certify that this *Agreed Motion to Continue Trial and Pre-Trial Deadlines* was filed electronically through the Court's ECF system, which provides notice to all parties of interest.

Dated: February 8, 2022

/s/ Candice Carson
Candice Carson

EXHIBIT A

Proposed Order

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

In re

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Debtor.

UBS SECURITIES LLC and UBS AG LONDON BRANCH,

Plaintiffs,

v.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Defendant.

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Chapter 11

Case No. 19-34054-sgj11

Adversary Proceeding

No. 21-03020-sgj

**ORDER GRANTING AGREED MOTION
TO CONTINUE TRIAL AND PRE-TRIAL DEADLINES**

¹ The last four digits of the Debtor’s taxpayer identification number are 6725. The Debtor’s headquarters and service address is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

Upon consideration of the *Agreed Motion to Continue Trial and Pre-Trial Deadlines* (the “Motion to Continue”) filed by Plaintiffs UBS Securities LLC and UBS AG London Branch (together “UBS”) with the agreement of Defendant Highland Capital Management, L.P. (the “Debtor,” and together with UBS, the “Parties”) on February 8, 2022; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue of this proceeding and the Motion to Continue is proper in this District pursuant to 28 U.S.C. §§ 1408-09; and due, adequate, and sufficient notice of the Motion to Continue having been given; and having determined that the legal and factual bases set forth in the Motion to Continue establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby **ORDERED**:

1. The Motion to Continue is **GRANTED**.
2. The following dates and deadlines apply to the above-captioned adversary case:

<u>Event</u>	<u>Deadline</u>
Dispositive Motion Deadline	July 14, 2022
Exhibit and Witness Lists	August 26, 2022
Joint Pretrial Order	September 2, 2022
Proposed Findings of Fact and Conclusions of Law	September 2, 2022
Trial Docket Call	September 12, 2022 at 1:30 pm CT
Trial Week Begins	September 19, 2022

3. This schedule shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

4. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order.

End of Order

Order prepared by:

/s/ Sarah Tomkowiak

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