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Counsel for Highland Capital Management, 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.

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Adv. Proc. No. 21-03003-sgj

Case No. 3:21-cv-01010-E



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.

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Adv. Proc. No. 21-03007-sgj

Case No. 3:21-cv-01379-X

MOTION TO CONTINUE HEARING ON HIGHLAND CAPITAL MANAGEMENT, L.P.’S MOTION FOR PARTIAL SUMMARY JUDGMENT IN NOTES ACTIONS

COMES NOW Highland Capital Management, L.P. (“Highland” or the “Reorganized Debtor”), the reorganized debtor in the above-captioned chapter 11 case (the “Bankruptcy Case”) and plaintiff in the above-referenced adversary proceedings (each, an “Adversary Proceeding” and collectively, the “Adversary Proceedings” or “Notes Actions”), filing this motion (the “Motion”) requesting that the Court continue the hearing (the “Hearing”) on Highland’s *Motion for Partial Summary Judgment in Notes Actions* (the “Summary Judgment Motion”)¹ from Tuesday, March 8, 2022, at 9:30 a.m. (Central Time) to **Wednesday, March 23, 2022, at 9:30 a.m. (Central Time)**. In support of the Motion, Highland respectfully states the following:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1409.

2. The Hearing on the Summary Judgment Motion was originally scheduled to take place on Tuesday, March 8, 2022, at 9:30 a.m. (Central Time). On December 22, 2021,

¹ Adv. Proc. No. 21-3003, Dkt. No. 132; Adv. Proc. No. 21-3004, Dkt. No. 91; Adv. Proc. No. 21-3005, Dkt. No. 131; Adv. Proc. No. 21-3006, Dkt. No. 129; and Adv. Proc. No. 21-3007, Dkt. No. 124.

Highland provided notice of the Hearing in each of the Notes Actions.² Subsequently, the Fifth Circuit Court of Appeals gave notice that oral argument on the pending appeal of this Court's *Order (i) Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief* [Bankr. Dkt. No. 1943] would take place on March 8, 2022—the same date as the Hearing on the Summary Judgment Motion.

3. Because of the scheduling conflict, good cause exists to continue the Hearing. Accordingly, Highland respectfully requests that the Court continue the Hearing on the Summary Judgment Motion to Wednesday, March 23, 2022, at 9:30 a.m. (Central Time).

4. This Motion is made in good faith and not for the purposes of delay. Counsel for the defendants in the Notes Actions have confirmed that they are available for the continued Hearing on March 23, 2022.

WHEREFORE, Highland respectfully requests that the Court enter an order (i) granting the Motion, (ii) continuing the Hearing on the Summary Judgment Motion to March 23, 2022, at 9:30 a.m. (Central Time), and (iii) granting Highland such additional relief as is just and necessary.

² Adv. Proc. No. 21-3003, Dkt. No. 139; Adv. Proc. No. 21-3004, Dkt. No. 98; Adv. Proc. No. 21-3005, Dkt. No. 139; Adv. Proc. No. 21-3006, Dkt. No. 140; and Adv. Proc. No. 21-3007, Dkt. No. 131.

Dated: February 9, 2022.

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