

CLERK, U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 11, 2022

United States Bankruptcy Judge

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

HIGHLAND CAPITAL MANAGEMENT, L.P.,	. §	
Plaintiff,	8 8 8	Adv. Proc. No. 21-03003-sgj
VS.	\$ \$ \$	
JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§ §	Case No. 3:21-cv-01010-E
Defendants.	§ § 8	
	. §	

	§ §
Plaintiff,	§ Adv. Proc. No. 21-03004-sgj
VS.	§ § Case No. 3:21-cv-00881-X
	§ Case No. 3:21-cv-00881-X § § § § §
Defendant.	\$ \$ \$
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ § §
riamum,	§ Adv. Proc. No. 21-03005-sgj
VS.	§ §
NEXPOINT ADVISORS, L.P., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§ Case No. 3:21-cv-00880-C §
Defendants.	§ §
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §
Dlaintiff	§ Adv. Proc. No. 21-03006-sgj
VS.	§ §
	\$ Case No. 3:21-cv-01378-N \$ \$ \$ \$
Defendants.	§

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

Vs.

Plaintiff,

Vs.

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

HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES

DONDERO, NANCY DONDERO, AND

THE DUGABOY INVESTMENT TRUST,

Defendants.

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

Having considered the *Motion to Continue Hearing on Highland Capital Management, L.P.'s Motion for Partial Summary Judgment in Notes Actions* (the "Motion")<sup>1</sup> filed by 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"), the Court finds that good cause exists to grant the Motion. Accordingly, it is **HEREBY ORDERED THAT:** 

- 1. The Motion is **GRANTED** as set forth herein.
- 2. The Hearing on Highland's *Motion for Partial Summary Judgment in Notes Actions* (the "Summary Judgment Motion")<sup>2</sup> originally scheduled to take place on Tuesday, March 8, 2022, at 9:30 a.m. (Central Time) will now take place on **Wednesday, March 23, 2022**, at 9:30 a.m. (Central Time).

<sup>1</sup> Capitalized terms not otherwise defined in this Order have the meanings ascribed to them in the Motion.

<sup>&</sup>lt;sup>2</sup> 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.

3. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

### End of Order ###

United States Bankruptcy Court Northern District of Texas

Highland Capital Management, L.P.,

**Plaintiff** Adv. Proc. No. 21-03005-sgj

NexPoint Advisors, L.P.,

Defendant

#### CERTIFICATE OF NOTICE

District/off: 0539-3 User: admin Page 1 of 2 Form ID: pdf023 Total Noticed: 2 Date Rcvd: Feb 11, 2022

The following symbols are used throughout this certificate:

**Symbol** Definition

Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS

regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 13, 2022:

Recip ID Recipient Name and Address

+ NexPoint Advisors, L.P., K&L Gates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID Notice Type: Email Address Date/Time Recipient Name and Address

Email/Text: ustpregion06.da.ecf@usdoj.gov ust Feb 11 2022 21:30:00

United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 1

#### BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

#### NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 13, 2022 Signature: /s/Joseph Speetjens

#### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 11, 2022 at the address(es) listed below:

**Email Address** Name

Bryan C. Assink

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on behalf of Defendant NexPoint Advisors L.P. drukavina@munsch.com

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Date Rcvd: Feb 11, 2022 Form ID: pdf023 Total Noticed: 2

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Juliana Hoffman

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Melissa S. Hayward

 $on \ behalf of \ Plaintiff \ Highland \ Capital \ Management \ L.P. \ MHayward @Hayward @Ha$ 

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Paige Holden Montgomery

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Zachery Z. Annable

on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 15