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ATTORNEYS FOR PATRICK DAUGHERTY

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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

SCOTT BYRON ELLINGTON,

Plaintiff,

v.

PATRICK DAUGHERTY,

Defendant.

Chapter 11

Case No. 19-34054 (SGJ)

Adv. No. 22-03003-sgj
*Removed from the 101st Judicial District
Court of Dallas County, Texas
Cause No. DC-22-00304*

¹ The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



**REQUEST FOR EMERGENCY HEARING ON DEFENDANT PATRICK
DAUGHERTY’S MOTION FOR EXTENSION OF TIME TO RESPOND
TO PLAINTIFF’S MOTION TO ABSTAIN AND TO REMAND**

Patrick Daugherty (“Daugherty”), by and through his undersigned counsel, hereby files this Request for Emergency Hearing on his Motion for Extension of Time to Respond to Plaintiff Scott Ellington’s (“Ellington”) Emergency Motion to Abstain and to Remand [Adv. Dkt. No. 3] (“Remand Motion”), and respectfully shows as follows:

1. Simultaneously herewith, Daugherty has filed his Motion for Extension of Time to Respond to Plaintiff Scott Ellington’s (“Ellington”) Emergency Motion to Abstain and to Remand (the “Motion for Extension”). Daugherty requests the Court hear, or rule on without a hearing, the Motion for Extension no later than February 15, 2022.

2. As set forth in the Motion for Extension, Ellington filed the Remand Motion on January 25, 2022. Daugherty’s Response to the Remand Motion is currently due today, February 15, 2022, under L.B.R. 7007-1(e). In a meet and confer regarding the Motion for Extension, Ellington’s counsel agreed to give Daugherty just one extra day, until February 16, to file his Response to the Remand Motion. However, on February 15, 2022, Daugherty’s counsel learned that Ellington has until February 16 to file his objection to the proposed settlement between Daugherty and the Reorganized Debtor (the “Proposed Settlement”).

3. Any objection Ellington files to the Proposed Settlement would be material to Daugherty’s Response to the Remand Motion. Unless the Motion for Extension is heard and ruled on before February 16, Daugherty will be prejudiced because his Response will have to address the Remand Motion without any discussion of any objection that Ellington may ultimately file the same day.

4. Daugherty's counsel has advised Ellington's counsel of the filing of this Motion, and Ellington's counsel stated they oppose the request to expedite made herein.

WHEREFORE, Defendant Patrick Daugherty respectfully requests the Court enter an order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted this 15th day of February, 2022.

GRAY REED

By: /s/ Jason S. Brookner
Jason S. Brookner
Texas Bar No. 24033684
Andrew K. York
Texas Bar No. 24051554
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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on February 15, 2022, I conferred with Frances Smith, as counsel for Scott Ellington, regarding this motion for an expedited setting. Ms. Smith stated she opposes the expedited setting.

/s/ Andrew K. York _____

Andrew K. York

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of February, 2022, he caused a true and correct copy of the foregoing pleading to be served via the Court's electronic case filing system (ECF) on all parties to this proceeding who have so-subscribed.

/s/ Jason S. Brookner _____

Jason S. Brookner

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
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In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

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**ORDER GRANTING REQUEST FOR EMERGENCY HEARING ON
DEFENDANT PATRICK DAUGHERTY’S MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFF’S MOTION TO ABSTAIN AND TO REMAND**

Upon the motion (the “Motion”) of Patrick Daugherty (“Daugherty”) for an emergency hearing on his Motion for Extension of Time to Respond to Plaintiff Scott Ellington’s (“Ellington”) Emergency Motion to Abstain and to Remand [Adv. Dkt. No. 3] (“Remand Motion”); and this Court having reviewed the Motion; and this Court having determined that the bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. A hearing on Daugherty’s Motion for Extension of Time to Respond to Ellington’s Remand Motion will be held on _____, 2022, at __:__.m., before the Honorable Stacey G.C. Jernigan, United States Bankruptcy Judge, at the Earle Cabell Federal Building, 1100 Commerce Street, Floor 14, Courtroom #1, Dallas, Texas 75242 (all appearances will be via WebEx according to separately-filed notice).
3. Daugherty shall promptly provide notice of the hearing on the Motion for Extension.

End of Order

Proposed form of order prepared by:

Jason S. Brookner

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Andrew K. York

Texas Bar No. 24051554

Drake M. Rayshell

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