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**Attorneys for NexPoint Advisors, L.P. and
Highland Capital Management Fund Advisors, L.P.**

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

In re:

Case No. 19-34054

HIGHLAND CAPITAL MANAGEMENT, L.P.

Chapter 11

Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

Adv. Proc. No. 21-03003-sgj

vs.

**JAMES DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,**

Defendants.



<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>NEXPOINT ADVISORS, L.P., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03005-sgj</p>
<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03006-sgj</p>
<p>HIGHLAND CAPITAL MANAGEMENT, L.P.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,</p> <p>Defendants.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Adv. Proc. No. 21-03007-sgj</p>

APPENDIX IN SUPPORT OF DEFENDANTS’ MOTION TO STRIKE APPENDIX IN SUPPORT OF PLAINTIFF’S REPLY MEMORANDUM OF LAW

Defendants James Dondero, NexPoint Advisors, L.P., Highland Capital Management Services, Inc., and HCRE Partners, LLC file this Appendix in Support of their Motion to Strike Appendix in Support of Plaintiff’s Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants, and request the Court take judicial notice of the documents contained herein.

Exhibit	Document	Appendix Page(s)
1	Declaration of Michael Aigen, dated February 25, 2022	App. 1-4
A	Email from J. Morris to M. Aigen, dated February 24, 2022	App. 5-6

Dated: February 25, 2022

Respectfully submitted,

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez
State Bar No. 24036072
Michael P. Aigen
State Bar No. 24012196
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**ATTORNEYS FOR JAMES DONDERO, NANCY
DONDERO, HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC. AND NEXPOINT REAL ESTATE
PARTNERS, LLC**

/s/Clay M. Taylor

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/s/Davor Rukavina

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**ATTORNEYS FOR NEXPOINT ADVISORS, L.P. AND
HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on February 25, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on counsel for Plaintiff Highland Capital Management, L.P. and on all other parties requesting or consenting to such service in this case.

/s/Deborah Deitsch-Perez _____
Deborah Deitsch-Perez

Exhibit 1

Clay M. Taylor
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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION**

In re:	§	Case No. 19-34054
HIGHLAND CAPITAL MANAGEMENT, L.P.	§	Chapter 11
Debtor.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	Adv. Proc. No. 21-03003-sgj
Plaintiff,	§	
vs.	§	
JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§	
Defendants.	§	

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

**NEXPOINT ADVISORS, L.P., JAMES
DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,**

Defendants.

Adv. Proc. No. 21-03005-sgj

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

**HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC., JAMES DONDERO,
NANCY DONDERO, AND THE DUGABOY
INVESTMENT TRUST,**

Defendants.

Adv. Proc. No. 21-03006-sgj

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.

Adv. Proc. No. 21-03007-sgj

**DECLARATION OF MICHAEL P. AIGEN IN SUPPORT OF DEFENDANTS'
MOTION TO STRIKE APPENDIX IN SUPPORT OF PLAINTIFF'S
REPLY MEMORANDUM OF LAW**

Michael P. Aigen, pursuant to 28 U.S.C. § 1746(a), under penalty of perjury, declares as follows:

1. I am a member of the law firm of Stinson LLP, counsel to Defendant James Dondero, Highland Capital Management Services, Inc. and HCRE Partners, LLC n/k/a NexPoint Real Estate Partners, LLC, and I submit this Declaration in support of the *Defendants' Motion to Strike Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of its*

Motion for Partial Summary Judgment Against the Alleged Agreement Defendants, which is being filed concurrently with this Declaration. I submit this Declaration based on my personal knowledge and the documents listed below.

2. Attached as **Exhibit A** is a true and correct copy of an email from J. Morris to M. Aigen, dated February 24, 2022.

Dated: February 25, 2022.

/s/Michael P. Aigen
Michael P. Aigen

Exhibit A

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Thursday, February 24, 2022 10:23 AM
To: Aigen, Michael P.
Cc: Hayley R. Winograd; Rukavina, Davor; Deitsch-Perez, Deborah R.; Bryan Assink; Jeff Pomerantz; Gregory V. Demo
Subject: RE: HCMLP/Dondero: conference on motion to strike

External Email – Use Caution

No.

The reply declaration was a classic reply.

And the stipulation was already on the docket.

Thanks,

John

From: Aigen, Michael P. [mailto:michael.aigen@stinson.com]
Sent: Thursday, February 24, 2022 11:17 AM
To: John A. Morris <jmorris@pszjlaw.com>
Cc: Hayley R. Winograd <hwinograd@pszjlaw.com>; Rukavina, Davor <drukavina@munsch.com>; Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>; Bryan Assink <bryan.assink@bondsellis.com>
Subject: HCMLP/Dondero: conference on motion to strike

John,
On February 8, 2022, the Debtor filed its Appendix in Support of Plaintiff's Reply Memorandum of Law in Further Support of its Motion for Partial Summary Judgment Against the Alleged Agreement Defendants (the "Appendix"). As you know, the Appendix contains new evidence and that is not allowed under the applicable rules. Please let me know immediately whether you will agree to withdraw your Appendix or whether we will need to file a motion to strike the Appendix.

Michael

Michael P. Aigen

Partner

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