

Clay M. Taylor
 Bryan C. Assink
 BONDS ELLIS EPPICH SCHAFER JONES LLP
 420 Throckmorton Street, Suite 1000
 Fort Worth, Texas 76102
 (817) 405-6900 telephone
 (817) 405-6902 facsimile
 Email: clay.taylor@bondsellis.com
 Email: bryan.assink@bondsellis.com

Attorneys for James Dondero

Deborah Deitsch-Perez
 Michael P. Aigen
 STINSON LLP
 3102 Oak Lawn Avenue, Suite 777
 Dallas, Texas 75219
 (214) 560-2201 telephone
 (214) 560-2203 facsimile
 Email: deborah.deitschperez@stinson.com
 Email: michael.aigen@stinson.com

Attorneys for James Dondero, Nancy Dondero, Highland Capital Management Services, Inc. and NexPoint Real Estate Partners, LLC

Daniel P. Elms
 State Bar No. 24002049
 GREENBERG TRAUIG, LLP
 2200 Ross Avenue, Suite 5200
 Dallas, Texas 75201
 (214) 665-3600 telephone
 (214) 665-3601 facsimile
 Email: elmsd@gtlaw.com

Attorneys for Nancy Dondero

Douglas S. Draper (La. Bar No. 5073)
 Leslie A. Collins (La. Bar No. 14891)
 Greta M. Brouphy (La. Bar No. 26216)
 HELLER, DRAPER & HORN, L.L.C.
 650 Poydras Street, Suite 2500
 New Orleans, Louisiana 70130
 (504) 299-3300 telephone
 (504) 299-3399 facsimile
 Email: ddraper@hellerdraper.com
 Email: lcollins@hellerdraper.com
 Email: gbrouphy@hellerdraper.com

Attorneys for The Dugaboy Investment Trust

Davor Rukavina
 Julian P. Vasek
 MUNSCH HARDT KOPF & HARR, P.C.
 500 N. Akard Street, Suite 3800
 Dallas, Texas 75202-2790
 (214) 855-7500 telephone
 (214) 978-4375 facsimile
 Email: drukavina@munsch.com

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

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

HIGHLAND CAPITAL MANAGEMENT, L.P.,
 Plaintiff,

vs.

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

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 § Adv. Proc. No. 21-03005-sgj
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 § Case No. 3:21-cv-00880-C
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HIGHLAND CAPITAL MANAGEMENT, L.P., <div style="text-align: center;">Plaintiff,</div> vs. HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P., <div style="text-align: center;">Defendant.</div>	§ § § § § § § § § §	Adv. Proc. No. 21-03004-sgj Case No. 3:21-cv-00881-X
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HIGHLAND CAPITAL MANAGEMENT, L.P., <div style="text-align: center;">Plaintiff,</div> vs. JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST, <div style="text-align: center;">Defendants.</div>	§ § § § § § § § § §	Adv. Proc. No. 21-03003-sgj Case No. 3:21-cv-01010-E
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HIGHLAND CAPITAL MANAGEMENT, L.P., <div style="text-align: center;">Plaintiff,</div> vs. HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST, <div style="text-align: center;">Defendants.</div>	§ § § § § § § § § §	Adv. Proc. No. 21-03006-sgj Case No. 3:21-cv-01378-N
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HIGHLAND CAPITAL MANAGEMENT, L.P., <div style="text-align: center;">Plaintiff,</div> vs. HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST, <div style="text-align: center;">Defendants.</div>	§ § § § § § § § § §	Adv. Proc. No. 21-03007-sgj Case No. 3:21-cv-01379-X
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**DEFENDANTS' MOTION TO
CONSOLIDATE THE NOTE CASES**

Defendants¹ hereby file this Motion to Consolidate five related cases (the "Note Cases") involving promissory notes reflecting loans made by Plaintiff-Debtor Highland Capital Management, L.P., requesting the Court to consolidate the Note Cases into Case No. 3:21-cv-00881, to be heard by the Honorable Judge Starr for all purposes other than trial, and additionally to consolidate all of the cases other than Case No. 3:21-cv-00881-X for trial. In support, Defendants show as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the Motion pursuant to Sections 1331 and 1367 of Title 11 of the United States Code.
2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1409.

II. RELIEF

3. Defendants request that this Court issue the proposed form order attached as **Exhibit A** (the "Proposed Order") hereto.
4. For reasons set forth more fully in Defendants' Memorandum of Law in Support of their Motion to Consolidate the Note Cases (the "Memorandum in Support"), Defendants request that this Court consolidate the Note Cases under Case No. 3:21-cv-00881, to be heard by the Honorable Judge Starr, who already presides over two of the five above-captioned Note Cases, and several other cases arising out of the Case No. 19-34054-sgj11, pending in the United States Bankruptcy Court for the Northern District of Texas (the "Highland Bankruptcy").

¹ As used herein, the term "Defendants" includes all named Defendants in the above-captioned proceedings, unless otherwise specified.

5. In accordance with Rule 7.1 of the Local Civil Rules of the United States District Court for the Northern District of Texas, Defendants are filing contemporaneously herewith and in support of their Motion: (1) the Memorandum in Support, and (2) their Appendix in Support of Defendants' Motion to Consolidate the Note Cases (the "Appendix").

6. Based on the arguments presented in the Memorandum in Support and the exhibits included within the Appendix, Defendants are entitled to the relief requested herein and as set forth in the Proposed Order.

7. Notice of this Motion has been provided to all parties.

WHEREFORE, Defendants respectfully request this Court enter the Proposed Order in the form annexed hereto as Exhibit A granting the relief requested herein, and grant Defendants such other and further relief as the Court may deem proper.

Dated: December 10, 2021

Respectfully submitted,

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez

State Bar No. 24036072

Michael P. Aigen

State Bar No. 24012196

STINSON LLP

3102 Oak Lawn Avenue, Suite 777

Dallas, Texas 75219

(214) 560-2201 telephone

(214) 560-2203 facsimile

Email: deborah.deitschperez@stinson.com

Email: michael.aigen@stinson.com

**ATTORNEYS FOR JAMES DONDERO, NANCY
DONDERO, HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC. AND NEXPOINT REAL ESTATE
PARTNERS, LLC**

/s/Clay M. Taylor

Clay M. Taylor
State Bar No. 24033261
Bryan C. Assink
State Bar No. 24089009
BONDS ELLIS EPPICH SCHAFFER JONES LLP
420 Throckmorton Street, Suite 1000
Fort Worth, Texas 76102
(817) 405-6900 telephone
(817) 405-6902 facsimile
Email: clay.taylor@bondsellis.com
Email: bryan.assink@bondsellis.com
ATTORNEYS FOR JAMES DONDERO

/s/Daniel P. Elms

Daniel P. Elms
State Bar No. 24002049
GREENBERG TRAURIG, LLP
2200 Ross Avenue, Suite 5200
Dallas, Texas 75201
(214) 665-3600 telephone
(214) 665-3601 facsimile
Email: elmsd@gtlaw.com
ATTORNEYS FOR NANCY DONDERO

/s/Douglas S. Draper

Douglas S. Draper (La. Bar No. 5073)
Leslie A. Collins (La. Bar No. 14891)
Greta M. Brouphy (La. Bar No. 26216)
HELLER, DRAPER & HORN, L.L.C.
650 Poydras Street, Suite 2500
New Orleans, LA 70130
(504) 299-3300 telephone
(504) 299-3399 facsimile
Email: ddraper@hellerdraper.com
Email: lcollins@hellerdraper.com
Email: gbrouphy@hellerdraper.com
**ATTORNEYS FOR THE DUGABOY INVESTMENT
TRUST**

/s/Davor Rukavina

Davor Rukavina
Julian P. Vasek
MUNSCH HARDT KOPF & HARR, P.C.
500 N. Akard Street, Suite 3800
Dallas, Texas 75202-2790
(214) 855-7500 telephone
(214) 978-4375 facsimile
Email: drukavina@munsch.com

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

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on December 7, 2021, counsel for Defendants conferenced with Plaintiff-Debtor's counsel regarding the relief requested herein as detailed more fully in the accompanying Declaration of Deborah Deitsch-Perez. The parties were unable to reach an agreement regarding the issues, and Debtor filed its own (improper) motion to consolidate solely in the third-lowest District Court case filed, with no filing in the first-filed (or any other of) the Note Cases. Defendants therefore understand this Motion is opposed.

/s/Deborah Deitsch-Perez
Deborah Deitsch-Perez