

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

In re:	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.	§	Case No. 19-34054
	§	
Debtor.	§	Chapter 11
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THE CHARITABLE DAF FUND, L.P.	§	
and CLO HOLDCO, LTD.,	§	
	§	
Appellants,	§	Adversary No. 21-03067-sg
	§	
v.	§	Case No. 3:21-cv-03129-N
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
APPELLEE.	§	
	§	
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**APPELLANTS’ UNOPPOSED MOTION FOR EXTENSION OF TIME
 TO FILE OPENING BRIEF**

Appellants The Charitable DAF Fund, L.P. and CLO Holdco, Ltd. Move this Court for an extension of time in which to file their Opening Brief in this appeal of the Bankruptcy Court’s refusal to stay all proceedings pending the appeal of Highland Capital Management, L.P.’s Chapter 11 plan of reorganization now before the Fifth Circuit Court of Appeals.

BACKGROUND

1. Appellants filed their original and Amended Motions to Stay All Proceedings in Case No. 19-34054 of the U.S. Bankruptcy Court for the Northern District of Texas, on September 29, 2021 and November 18, 2021, respectively, pending the appeal of Highland Capital Management L.P.’s Chapter 11 Plan of Reorganization (“the Plan”) in the Fifth Circuit Court of Appeals in In re Highland Capital Management, L.P., No. 21-10449.



2. On December 7, 2021, the U.S. Bankruptcy Court for the Northern District of Texas entered its Order Denying Plaintiffs/Appellants' Motion to Stay All Proceedings

3. Appellants' appeal was docket in this Court on December 15, 2021, and the record on appeal was transmitted to and filed with the Court on February 18, 2022.

4. Appellants' opening brief is currently due on March 21, 2022.

REASONS FOR EXTENSION

5. Appellants respectfully request a 30-day extension, up to and including April 20, 2022, by which to file their opening brief in this appeal. Good cause exists because counsel has several intervening court appearances, expert discovery deadlines, three mediations, and another appellate brief due, in addition to a previously scheduled family vacation from March 11-20.

Appellants' counsel has conferred with Appellee's counsel who are not opposed to the requested 30-day extension.

CONCLUSION

For the above reasons, Appellants respectfully request that their Motion for Extension of Time to File Opening Brief be extended by 30 days until and including April 20, 2022. Appellants request any and all further relief to which they may be entitled.

Dated: March 10, 2022

Respectfully submitted,

SBAITI & COMPANY PLLC

/s/ Mazin A. Sbaiti

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*Counsel for Appellants The Charitable
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CERTIFICATE OF CONFERENCE

I hereby certify that on March 2, 2022, I conferred with counsel for Appellee, who stated that Appellee is not opposed to a 30-day extension of Appellants' opening brief deadline to April 20, 2022.

/s/ Mazin A. Sbaiti

Mazin A. Sbaiti

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel via the Court's CM/ECF system on this 10th day of March, 2022.

/s/ Mazin A. Sbaiti

Mazin A. Sbaiti

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ORDER

Having considered Appellants' Unopposed Motion for Extension of Time to File Opening Brief, the Court finds and concludes that the relief requested is warranted.

IT IS ORDERED that the deadline for Appellants to file their opening brief is extended to and including April 20, 2022.

SO ORDERED this ____ day of _____, 2022.

The Honorable David C. Godbey
United States District Judge