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Counsel for Highland Capital Management, L.P.

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

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.,

Defendant.

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Adv. Proc. Nos. 21-3004, 3005, 3006,
3007

Case No. 3:21-cv-00881-X



PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT

Highland Capital Management, L.P. (“Highland”, the “Reorganized Debtor”, or “Plaintiff”), the reorganized debtor in the above-captioned chapter 11 case (the “Bankruptcy Case”) and plaintiff in the above-referenced adversary proceedings (collectively, the “Notes Actions”), hereby files this motion (the “Motion”) seeking leave of the Court to file a reply brief (the “Reply”) in excess of the page limitations set forth in Rule 7007-2(c) of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas (the “Local Rules”). In support of its Motion, Plaintiff states as follows:

FACTUAL BACKGROUND

1. On February 7, 2022, Plaintiff filed its *Omnibus Motion (a) to Strike Certain Documents and Arguments from the Record, (b) for Sanctions, and (c) for an Order of Contempt* (the “Sanctions Motion”) in Adv. Proc. Nos. 21-3004, 21-3005, 21-3006, and 21-3007.

2. On February 28, 2022, Highland Capital Management Fund Advisors, L.P. (“HCMFA”) filed its *Objection to Plaintiff’s Motion to Strike, for Sanctions, and for Contempt* [Adv. Proc. No. 21-3004 at Docket No. 145] (the “HCMFA Response”).

3. On February 28, 2022, Defendants NexPoint Advisors, L.P. (“NexPoint”), Highland Capital Management Services, Inc. (“HCMS”), and HCRE Partners, LLC (“HCRE,” and collectively with NexPoint, HCMS, and HCMFA, “Defendants”), filed their *Response in Opposition to Plaintiff’s Omnibus Motion (a) to Strike Certain Documents and Arguments from the Record, (b) for Sanctions, and (c) for an Order of Contempt* [Adv. Proc. No. 21-3005 at Docket No. 180; Adv. Proc. No. 21-3006 at Docket No. 182; Adv. Proc. No. 21-3007 at Docket No. 177] (collectively the “Remaining Defendants’ Response”).

4. The deadline for Plaintiff to file its reply in support of the Sanctions Motion (the “Reply”) is March 14, 2022.

RELIEF REQUESTED

5. Plaintiff intends to file one Reply addressing both the HCMFA Response and the Remaining Defendants' Response, as opposed to two separate replies. Accordingly, Plaintiff respectfully requests that the Court grant Plaintiff leave to file its Reply in a length of up to 15 pages, excluding any table of contents and/or table of authorities included in the Reply.

6. As set forth in the certificate of conference below, counsel for Defendants are UNOPPOSED to the relief requested in this Motion.

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that the Court (i) grant the Motion; (ii) enter an order granting Plaintiff leave to file its Reply in a length of up to 15 pages, excluding any table of contents and/or table of authorities included in the Reply; and (iii) grant Plaintiff such other and further relief as the Court may deem proper.

Dated: March 14, 2022

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on March 11, 2022, counsel for Plaintiff corresponded with counsel for Defendants regarding the relief requested in the foregoing Motion. Counsel for Defendants advised counsel for Plaintiff that they are **UNOPPOSED** to the relief requested in the Motion.

/s/ Zachery Z. Annable
Zachery Z. Annable

**ORDER GRANTING
PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT**

Having considered the *Unopposed Motion for Leave to Exceed Page Limit* (the "Motion")¹ filed by Highland Capital Management, L.P. ("Plaintiff"), the reorganized debtor in the above-captioned chapter 11 case and plaintiff in the above-referenced adversary proceedings (collectively, the "Notes Actions"), and based upon (i) Defendants' lack of opposition to the relief requested in the Motion and (ii) the arguments set forth in the Motion, the Court finds and concludes that the relief requested in the Motion should be granted. Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. Plaintiff is granted leave to file its Reply in support of the Sanctions Motion in a length of up to 15 pages, excluding any table of contents and/or table of authorities included in the Reply.
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

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Motion.