

**OPPOSITION TO 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**

Highland Capital Management, L.P. ("Highland" 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 opposition (the "Opposition") to *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*¹ (the "Motion to Strike") filed by James Dondero, NexPoint Advisors, L.P. ("NexPoint"), Highland Capital Management Services, Inc. ("HCMS"), and HCRE Partners, LLC ("HCRE"), and collectively with James Dondero, NexPoint, and HCMS, "Defendants"). Highland fully incorporates by reference its contemporaneously filed brief in opposition to the Motion to Strike and would show unto the Court as follows:

RELIEF REQUESTED

1. By this Opposition, Highland respectfully requests that the Court enter an order denying the Motion to Strike.
2. Pursuant to Rules 7.1(d) and (h) of the *Local Civil Rules of the United States District Court for the North District of Texas* (the "Local Rules"), a separate brief (the "Brief") is being filed contemporaneously with this Opposition and is incorporated by reference.

¹ Adv. Proc. No. 21-03003, Docket No. 169; Adv. Proc. No. 21-03005, Docket No. 177; Adv. Proc. No. 21-03006, Docket No. 178; and Adv. Proc. No. 21-03007, Docket No. 173.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Highland respectfully requests that the Court (i) deny the Motion to Strike and (ii) grant such other and further relief as the Court deems just and proper.

Dated: March 18, 2022

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No. 143717)
John A. Morris (NY Bar No. 266326)
Gregory V. Demo (NY Bar No. 5371992)
Hayley R. Winograd (NY Bar No. 5612569)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760
Email: jpomerantz@pszjlaw.com
jmorris@pszjlaw.com
gdemo@pszjlaw.com
hwinograd@pszjlaw.com

-and-

HAYWARD PLLC

/s/ Zachery Z. Annable

Melissa S. Hayward (Texas Bar No. 24044908)
Zachery Z. Annable (Texas Bar No. 24053075)
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Telephone: (972) 755-7100
Facsimile: (972) 755-7110
Email: MHayward@HaywardFirm.com
ZAnnable@HaywardFirm.com

Counsel for Highland Capital Management, L.P.