



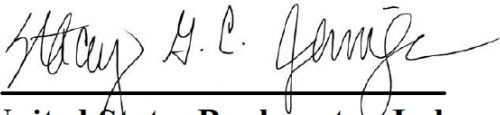
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 28, 2022


United States Bankruptcy Judge

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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.

Defendant.

§
§ Chapter 11
§
§ Case No. 19-34054-sgj11
§
§
§
§ Adversary Proceeding No.
§
§ 21-03082-sgj
§
§
§

**ORDER APPROVING AMENDED
STIPULATION REGARDING SCHEDULING ORDER**

Upon consideration of the *Amended Stipulation Regarding Scheduling Order* [Docket No.

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



15] (the “Amended Stipulation”)² entered into between Highland Capital Management, L.P., the reorganized debtor³ (“Highland”) in the above-captioned chapter 11 case (“Bankruptcy Case”) and the plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”), and Highland Capital Management Fund Advisors, L.P. (“HCMFA”, and together with Highland, the “Parties”), it is **HEREBY ORDERED THAT:**

1. The Amended Stipulation, a copy of which is attached hereto as **Exhibit A**, is **APPROVED.**

2. The Amended Stipulation shall become effective immediately upon entry of this Order.

3. With respect to the Adversary Proceeding, the Parties shall abide by the following amended pretrial schedule (the “Amended Pretrial Schedule”) in lieu of the pretrial schedule previously set forth in the Court’s *Order Approving Stipulation Regarding Scheduling Order* [Docket No. 9]:

<i>Amended Pretrial Schedule</i>	
<u>Event</u>	<u>Deadline</u>
1. Completion of Document Production	March 28, 2022
2. Completion of Fact Depositions	April 25, 2022
3. Expert Disclosures	May 2, 2022
4. Completion of Expert Depositions	May 27, 2022
5. Dispositive Motions	May 27, 2022

² Capitalized terms not otherwise defined in this Order shall have the meaning ascribed to them in the Stipulation.

³ On February 22, 2021, the Bankruptcy Court entered the *Order (i) Confirming the Fifth Amended Plan of Reorganization (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed the *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.*, as modified (the “Plan”). The Plan went Effective (as defined in the Plan) on August 11, 2021, and Highland is the Reorganized Debtor (as defined in the Plan) since the Effective Date. See *Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700].

6. Exhibit and Witness Lists	June 27, 2022
7. Joint Pretrial Order	July 1, 2022
8. Proposed Findings of Fact and Conclusions of Law	July 1, 2022
9. Trial Docket Call	July 11, 2022 at 1:30 p.m. (CT)

4. The Amended Pretrial Schedule set forth in this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

###End of Order###

EXHIBIT A

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 Ira D. Kharasch (CA Bar No. 109084)
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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	
Reorganized Debtor.	§	Case No. 19-34054-sgj11
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff,	§	
	§	Adversary Proceeding No.
vs.	§	
	§	21-03082-sgj
HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.	§	
Defendant.	§	

¹ The Reorganized Debtor’s last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

AMENDED STIPULATION REGARDING SCHEDULING ORDER

This amended stipulation (the “Amended Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as the reorganized debtor (“Highland” or “Plaintiff”), and Highland Capital Management Fund Advisors, L.P. (“HCMFA” or “Defendant”, and together with Highland, the “Parties”), by and through their respective undersigned counsel.

RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), Highland filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of Highland’s bankruptcy case (the “Bankruptcy Case”) to this Court;

WHEREAS, on January 22, 2021, Highland filed its *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified)* [Bankr. Docket No. 1808] (the “Plan”);

WHEREAS, on February 22, 2021, the Bankruptcy Court entered the *Order Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed Highland’s Plan;

WHEREAS, on August 11, 2021, the Plan became Effective (as defined in the Plan), and Highland became the Reorganized Debtor (as defined in the Plan). *See Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700];

WHEREAS, on November 9, 2021, Highland commenced the above-captioned adversary

proceeding (the “Adversary Proceeding”) against HCMFA by filing its complaint [Docket No. 1]² (the “Complaint”);

WHEREAS, on November 10, 2021, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Docket No. 3] (the “Alternative Scheduling Order”);

WHEREAS, on December 10, 2021, HCMFA filed its answer to Highland’s Complaint [Docket No. 5] (the “Answer”);

WHEREAS, on December 10, 2021, the Parties filed the *Stipulation and Proposed Scheduling Order* [Docket No. 6] (the “Stipulation”);

WHEREAS, on December 17, 2021, the Court entered its *Order Approving Stipulation Regarding Scheduling Order* [Docket No. 9] (the “Order”);

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed amended scheduling order (the “Proposed Amended Scheduling Order”), as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

<i>Proposed Joint Scheduling Order</i>	
<u>Event</u>	<u>Deadline</u>
1. Completion of Document Production	March 28, 2022
2. Completion of Fact Depositions	April 25, 2022
3. Expert Disclosures	May 2, 2022
4. Completion of Expert Depositions	May 27, 2022
5. Dispositive Motions	May 27, 2022
6. Exhibit and Witness Lists	June 27, 2022
7. Joint Pretrial Order	July 1, 2022

² Refers to the docket maintained in the Adversary Proceeding.

8. Proposed Findings of Fact and Conclusions of Law	July 1, 2022
9. Trial Docket Call	July 11, 2022 at 1:30 p.m. (CT)

1. If approved by the Court, the Proposed Amended Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

2. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Amended Stipulation, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

[Remainder of Page Intentionally Blank]

Dated: March 22, 2022.

STINSON LLP

/s/ Michael P. Aigen

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- and -

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Counsel for Highland Capital Management, L.P.

United States Bankruptcy Court
Northern District of Texas

Highland Capital Management, L.P.,
Plaintiff
Highland Capital Management Fund Advisor,
Defendant

Adv. Proc. No. 21-03082-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

Page 1 of 2

Date Rcvd: Mar 28, 2022

Form ID: pdf001

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 30, 2022:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustregion06.da.ecf@usdoj.gov	Mar 28 2022 21:27:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 30, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 28, 2022 at the address(es) listed below:

Name	Email Address
Deborah Rose Deitsch-Perez	on behalf of Defendant Highland Capital Management Fund Advisors L.P. deborah.deitschperez@stinson.com, patricia.tomasky@stinson.com;kinga.mccoy@stinson.com
Melissa S. Hayward	on behalf of Plaintiff Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@HaywardFirm.com
Michael P. Aigen	on behalf of Defendant Highland Capital Management Fund Advisors L.P. michael.aigen@stinson.com, stephanie.gratt@stinson.com
Zachery Z. Annable	on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

District/off: 0539-3

User: admin

Page 2 of 2

Date Rcvd: Mar 28, 2022

Form ID: pdf001

Total Noticed: 1

TOTAL: 4