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

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	
	§	
HIGHLAND CAPITAL MANAGEMENT,	§	Chapter 11
L.P.	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
<hr/>		
HIGHLAND CAPITAL MANAGEMENT,	§	
L.P.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adv. No. 21-03010-sgj
	§	
HIGHLAND CAPITAL MANAGEMENT	§	
FUND ADVISORS, L.P. and NEXPOINT	§	
ADVISORS, L.P.,	§	
	§	
Defendants.	§	

ADVISORS’ TRIAL WITNESS AND EXHIBIT LIST

TO THE HONORABLE STACEY G.C. JERNIGAN, U.S. BANKRUPTCY JUDGE:

COME NOW NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P. (together, the “Advisors”), the defendants in the above styled and numbered Adversary Proceeding, and file this their *Trial Witness and Exhibit List* as follows:



I. WITNESSES

The Advisors reserve the right to call any or all of the following as witnesses at the trial of this Adversary Proceeding:

1. James Dondero;
2. Dustin Norris;
3. Brian Collins;
4. Frank Waterhouse;
5. David Klos;
6. James Seery;
7. Any witness designated by any other party; and
8. Rebuttal and impeachment witnesses as appropriate.

II. EXHIBITS

The Advisors reserve the right to offer into evidence at the trial of this Adversary Proceeding any or all of the following:

- A. HCMFA Payroll Reimbursement Agreement;
- B. NexPoint Payroll Reimbursement Agreement;
- C. HCMFA Amendment No. One to Payroll Reimbursement Agreement;
- D. NexPoint Amendment No. One to Payroll Reimbursement Agreement;
- E. HCMFA Second Amended and Restated Shared Services Agreement;
- F. NexPoint Amended and Restated Shared Services Agreement;
- G. Chart of overbilling damages;
- H. Excel file of overbilling damages;
- I. Debtor's Interrogatory Responses;

- J. January 11, 2018 e-mail chain between Sean Fox and Tim Cournoyer;
- K. April 27, 2018 e-mail chain between David Klos and Lauren Thedford;
- L. Interco analysis 12.19.19.xlsx
- M. June 15, 2020 e-mail chain between David Klos and Lauren Thedford;
- N. June 24, 2020 e-mail chain between Dustin Norris and Strand Board;
- O. October 16, 2020 letter from Dustin Norris to James Seery;
- P. December 1, 2020 e-mail chain between David Klos and Dustin Norris;
- Q. December 8, 2020 e-mail from David Klos to Frank Waterhouse (with attached report);
- R. December 22, 2020 e-mail from David Klos to Frank Waterhouse (with attached report);
- S. January 6, 2021 e-mail chain between James Seery and Taylor Colbert;
- T. January 27, 2021 e-mail chain between David Klos and Jack Donohue;
- U. January 28, 2021 e-mail chain between Dustin Norris and Jack Donohue;
- V. January 28, 2021 e-mail chain between Jack Donohue and James Seery;
- W. January 28, 2021 e-mail chain between David Klos and Jack Donohue;
- X. January 28, 2021 e-mail from Dustin Norris to self;
- Y. January 29, 2021 e-mail chain between James Seery and Dustin Norris;
- Z. Intercompany Service Agreements – Department View;
- AA. Monthly Shared Services Invoices for the periods of December 2019 through December 2020;
- BB. Payment Approval;
- CC. Interco analysis 12.8.20 est awards.xlsx;
- DD. November 4, 2019 email exchange between David Klos and Isaac Leventon;

- EE. Any exhibit offered by any other party;
- FF. Rebuttal and impeachment exhibits as appropriate.

Dated: April 1, 2022.

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Davor Rukavina

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this the 1st day of April, 2022, he caused true and correct copies of this list, and the exhibits referenced therein, to be served by e-mail on the following counsel of record:

John Morris (jmorris@pszjlaw.com)

/s/ Thomas Berghman

Thomas D. Berghman, Esq.