

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 April 26, 2022

United States Bankruptcy Judge

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

In re:	§ Case No. 19-34054
HIGHLAND CAPITAL MANAGEMENT, L.P.	§ § Chapter 11 8
Plaintiff.	§
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §
Plaintiff,	§ Adv. Proc. No. 21-03003-sgj
vs.	§ §
JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	\$ \$ \$ \$ \$
Defendants.	§
HIGHLAND CAPITAL MANAGEMENT, L.P.,	
Plaintiff,	§ § §
vs.	§ Adv. Proc. No. 21-03005-sgj §
NEXPOINT ADVISORS, L.P., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	\$ \$ \$ \$
Defendants.	Š

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §
Plaintiff,	§ Adv. Proc. No. 21-03006-sgj
vs.	§ §
HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO,	§ §
NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	\$ \$ \$
Defendants.	§ §
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ Adv. Proc. No. 21-03007-sgj
Plaintiff, vs.	§ § §
HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO,	\$ \$ \$
NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§ §
Defendants.	§ §

ORDER GRANTING 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

Upon consideration of *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 (the "Motion"), any response thereto, the pleadings, the record of the above-captioned and related adversary proceedings, and the arguments presented by the parties before this Court, the Court hereby finds that the Motion should be GRANTED.

Accordingly,

IT IS HEREBY ORDERED that:

Plaintiff's Reply Declaration of David Klos in Further Support of Highland Capital Management L.P.'s Motion for Partial Summary Judgment is hereby stricken from the record of the summary judgment proceedings.

END OF ORDER

United States Bankruptcy Court Northern District of Texas

Highland Capital Management, L.P.,

Plaintiff Adv. Proc. No. 21-03005-sgj

NexPoint Advisors, L.P.,

Defendant

CERTIFICATE OF NOTICE

District/off: 0539-3 User: admin Page 1 of 2
Date Rcvd: Apr 27, 2022 Form ID: pdf023 Total Noticed: 3

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 Apr 29, 2022:

Recipi ID Recipient Name and Address

dft + NexPoint Advisors, L.P., K&L Gates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806

TOTAL: 1

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

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 + Email/Text: ustpregion06.da.ecf@usdoj.gov	Date/Time	Recipient Name and Address
ust	+ Email/Text. usipiegionoo.da.eer@usdoj.gov	Apr 27 2022 21:24:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+ Email/Text: ustpregion07.au.ecf@usdoj.gov	Apr 27 2022 21:24:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450

TOTAL: 2

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, Gustava Winters, 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: Apr 29, 2022 Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 27, 2022 at the address(es) listed below:

Name Email Address

Bryan C. Assink

on behalf of Defendant James Dondero bryan.assink@bondsellis.com

Davor Rukavina

on behalf of Defendant NexPoint Advisors L.P. drukavina@munsch.com

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Date Rcvd: Apr 27, 2022 Form ID: pdf023 Total Noticed: 3

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Julian Preston Vasek

on behalf of Defendant NexPoint Advisors L.P. jvasek@munsch.com

Juliana Hoffman

on behalf of Creditor Committee Official Committee of Unsecured Creditors jhoffman@sidley.com

txefiling notice @ sidley.com; julianna-hoffman-8287 @ ecf.pacerpro.com

Leslie A. Collins

on behalf of Defendant The Dugaboy Investment Trust lcollins@hellerdraper.com

Melissa S. Hayward

 $on\ behalf\ of\ Plaintiff\ Highland\ Capital\ Management\ \ L.P.\ MHayward@HaywardFirm.com,\ mholmes@HaywardFirm.com$

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Paige Holden Montgomery

on behalf of Creditor Committee Official Committee of Unsecured Creditors pmontgomery@sidley.com

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Zachery Z. Annable

on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 15