

**No. 21-10449**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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In the Matter of: Highland Capital Management, L.P.,

Debtor.

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NEXPOINT ADVISORS, L.P.; HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.; HIGHLAND INCOME FUND; NEXPOINT STRATEGIC  
OPPORTUNITIES FUND; HIGHLAND GLOBAL ALLOCATION FUND;  
NEXPOINT CAPITAL, INCORPORATED; JAMES DONDERO; THE  
DUGABOY INVESTMENT TRUST; GET GOOD TRUST,

Appellants,

v.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Appellee.

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**MOTION TO WITHDRAW AS COUNSEL**

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John Goerlich respectfully requests that this Court withdraw his appearance as counsel for Appellee Highland Capital Management, L.P. in this matter. As of May 27, 2022, Mr. Goerlich will no longer be affiliated with the law firm Kramer Levin Robbins Russell. Appellee will continue to be represented by other counsel of record from Kramer Levin Robbins Russell.



193405422052700000000003

Dated: May 27, 2022

Respectfully submitted,

/s/ John B. Goerlich

John B. Goerlich

KRAMER LEVIN ROBBINS RUSSELL

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*Counsel for Highland Capital  
Management, L.P.*

### CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on May 26, 2022, counsel for the Appellee corresponded with counsel for Appellants regarding the relief requested in the foregoing Motion. No Appellant indicated that they intended to oppose the relief requested in this motion.

Dated: May 27, 2022

/s/ John B. Goerlich  
John B. Goerlich

### CERTIFICATE OF COMPLIANCE

1. I hereby certify that this document complies with the type-volume limitation set forth in Fed. R. App. P. 27(d)(2)(A) because it contains 57 words as calculated by the word processing program used in the preparation of this motion, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

2. I also certify that this document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in Times New Roman 14-point font, a proportionally spaced typeface, using Microsoft Office 365.

3. Any required privacy redactions have been made pursuant to Circuit Rule 25.2.13, the electronic submission is an exact copy of the paper submission, and the

motion has been scanned for viruses using Bitdefender Endpoint Version 6.6.26.382 and is free of viruses.

Dated: May 27, 2022

/s/ John B. Goerlich  
John B. Goerlich

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2022, a true and correct copy of the foregoing document was filed with the Court by CM/ECF, which will send notice of this filing to all counsel of record.

/s/ John B. Goerlich  
John B. Goerlich

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

May 27, 2022

Mr. John Goerlich  
Kramer Levin Robbins Russell  
2000 K Street, N.W.  
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Washington, DC 20006

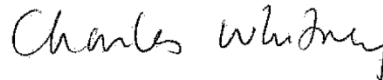
No. 21-10449 NexPoint v. Highland Capital Management  
USDC No. 19-34054  
USDC No. 3:21-CV-538

Dear Mr. Goerlich,

We received your motion to withdraw as counsel. Because a formal motion is unnecessary, we are taking no action on this motion. You will be removed from the docket.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Charles B. Whitney, Deputy Clerk  
504-310-7679

cc:

Mr. Zachery Z. Annable  
Mr. Bryan Christopher Assink  
Mr. Douglas Scott Draper  
Mr. Roy Theodore Englert Jr.  
Mr. David R. Fine  
Ms. Melissa Sue Hayward  
Mr. George W. Hicks Jr.  
Mr. A. Lee Hogewood  
Ms. Emily K. Mather  
Mr. Jeffrey N. Pomerantz  
Mr. Davor Rukavina  
Mr. Clay Marshall Taylor  
Mr. Julian Preston Vasek