



**HIGHLAND CAPITAL MANAGEMENT, L.P.,**

**Plaintiff,**

vs.

**HIGHLAND CAPITAL MANAGEMENT  
FUND ADVISORS, L.P.,**

**Defendant.**

**Adv. Proc. No. 21-03004-sgj**

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**HIGHLAND CAPITAL MANAGEMENT, L.P.,**

**Plaintiff,**

vs.

**NEXPOINT ADVISORS, L.P., JAMES DONDERO,  
NANCY DONDERO, AND THE DUGABOY  
INVESTMENT TRUST,**

**Defendants.**

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

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**HIGHLAND CAPITAL MANAGEMENT, L.P.,**

**Plaintiff,**

vs.

**HIGHLAND CAPITAL MANAGEMENT  
SERVICES, INC., JAMES DONDERO, NANCY  
DONDERO, AND THE DUGABOY INVESTMENT  
TRUST,**

**Defendants.**

**Adv. Proc. No. 21-03006-sgj**

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**HIGHLAND CAPITAL MANAGEMENT, L.P.,**

**Plaintiff,**

vs.

**HCRE PARTNERS, LLC (n/k/a NexPoint Real  
Estate Partners, LLC), JAMES DONDERO,  
NANCY DONDERO, AND THE DUGABOY  
INVESTMENT TRUST,**

**Defendants.**

**Adv. Proc. No. 21-03007-sgj**

### **STIPULATION**

This Stipulation is entered into between and among Highland Capital Management, L.P., the plaintiff (the “Plaintiff” or “HCMLP”) in the above-referenced adversary proceedings (the “Adversary Proceedings”), on the one hand, and James Dondero (“Dondero”), Highland Capital Management Fund Advisors, L.P. (“HCMFA”), NexPoint Advisors, L.P. (“NexPoint”), Highland Capital Management Services, Inc. (“HCMS”), and HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC) (“HCRE” and together with Dondero, HCMFA, NexPoint, and HCMS, the “Defendants,” and Plaintiff and Defendants together, the “Parties”) on the other hand.

### **RECITALS**

WHEREAS, on January 22, 2021, Plaintiff commenced the Adversary Proceedings by filing a Complaint against each Defendant;

WHEREAS, Defendants later served and filed their respective Answers to the Complaints;

WHEREAS, Defendants subsequently amended their respective Answers to add or modify one or more additional defenses;

WHEREAS, in response, Plaintiff subsequently amended its Complaints to add additional claims and parties (collectively, the “Amended Complaints”);

WHEREAS, the parties thereafter engaged in fact and expert discovery in accordance with the agreed-upon Scheduling Order entered in the Adversary Proceedings;

WHEREAS, on December 17 and 18, 2021, Plaintiff filed its Motion for Partial Summary Judgment (as amended on December 20, 2021) (the “Summary Judgment Motion”);

WHEREAS, on January 20, 2022, Defendants filed their Opposition to Highland Capital Management, L.P.’s Motion for Partial Summary Judgment (the “Opposition”);

WHEREAS, on February 7, 2022, Plaintiff filed its Reply in further support of its Summary Judgment Motion;

WHEREAS, on April 20, 2022, the Bankruptcy Court heard oral argument with respect to Plaintiff's Summary Judgment Motion;

WHEREAS, on July 19, 2022 the Bankruptcy Court issued its *Report and Recommendation to the District Court: Court Should Grant Plaintiff's Motion for Partial Summary Judgment Against All Five Note Makers Defendants (With Respect to all Sixteen Promissory Notes) in the Above-Referenced Consolidated Note Actions* (the "R&R");

WHEREAS, the R&R directed Plaintiff to submit a form of Judgment to each Note Maker Defendant that calculates proper amounts due, as well as costs and attorneys' fees incurred;

WHEREAS, the R&R stated that the costs and attorneys' fees calculation submitted by Plaintiff shall be separately filed as a Notice with backup documentation attached;

WHEREAS, the R&R stated that Defendants shall have 21 days after the filing of such notice to file an objection to the reasonableness of the attorneys' fees and costs; and

WHEREAS, the Parties intend to agree on a briefing schedule and related matters for the above.

### **STIPULATION**

NOW, THEREFORE, in consideration of the foregoing, the Parties agree and stipulate as follows:

1. Plaintiff will file a form of judgment (as described in the R&R) (the "Proposed Judgment") with Notice by August 5, 2022;

2. Defendants will file any objections to the R&R and/or the Proposed Judgment ("Defendants' Objections") by August 23, 2022;

3. Plaintiff will respond to Defendants' Objections on or before September 27, 2022;

4. The Parties will not engage in any discovery related to the Proposed Judgment and attorneys' fees and costs requested by Plaintiff; and

5. The Parties will provide the District Court with notice of this stipulation and the agreed upon briefing schedule.

Dated: July 25, 2022

CONSENTED AND AGREED TO BY:

/s/Deborah Deitsch-Perez

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**CERTIFICATE OF SERVICE**

I certify that on July 25, 2022, a true and correct copy of the foregoing document was served via the Court's Electronic Case Filing system to the parties that are registered or otherwise entitled to receive electronic notices in this adversary proceeding.

*/s/ Michael P. Aigen* \_\_\_\_\_

Michael P. Aigen