



LAW OFFICES
LIMITED LIABILITY PARTNERSHIP

LOS ANGELES, CA
SAN FRANCISCO, CA
WILMINGTON, DE
NEW YORK, NY
HOUSTON, TX

10100 SANTA MONICA BLVD.
13th FLOOR
LOS ANGELES
CALIFORNIA 90067-4003

TELEPHONE: 310.277.6910
FACSIMILE: 310.201.0760

SAN FRANCISCO
ONE MARKET PLAZA, SPEAR TOWER
40th FLOOR, SUITE 4000
SAN FRANCISCO
CALIFORNIA 94105-1020

TELEPHONE: 415.263.7000
FACSIMILE: 415.263.7010

DELAWARE
919 NORTH MARKET STREET
17th FLOOR
P.O. BOX 8705
WILMINGTON
DELAWARE 19899-8705

TELEPHONE: 302.652.4100
FACSIMILE: 302.652.4400

NEW YORK
780 THIRD AVENUE
34th FLOOR
NEW YORK
NEW YORK 10017-2024

TELEPHONE: 212.561.7700
FACSIMILE: 212.561.7777

TEXAS
440 LOUISIANA STREET
SUITE 900
HOUSTON
TEXAS 77002-1062

TELEPHONE: 713.691.9385
FACSIMILE: 713.691.9407

Jeffrey N. Pomerantz

September 12, 2022

310.772.2336
jpomerantz@pszjlaw.com

BY ECF IN NOS. 21-10449, 22-10189, 22-10575 & 22-10831

Lyle W. Cayce
Clerk of Court
United States Court of Appeals for
the Fifth Circuit
F. Edward Hebert Building
600 S. Maestri Place
New Orleans, LA 70130-3408

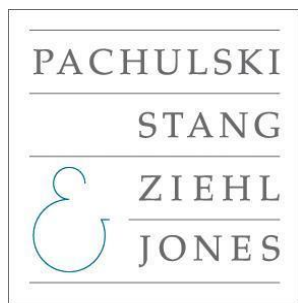
Re: *NexPoint Advisors, L.P. et al. v. Highland Capital Management, L.P.*, No. 21-10449; *Highland Capital Management Fund Advisors, L.P. v. Highland Capital Management, L.P.*, No. 22-10189; *NexPoint Advisors, L.P. v. Pachulski Stang Ziehl & Jones, L.L.P. et al.*, No. 22-10575; and *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*, No. 22-10831

Dear Mr. Cayce:

We represent Highland Capital Management, L.P. ("Highland"), which is an appellee in each of the above-captioned appeals. We write to alert the Court to the relatedness of four pending appeals, each of which arises from the same bankruptcy case: *In re Highland Capital Management, L.P.*, No. 19-bk-34054 (Bankr. N.D. Tex., Jernigan, J.):

1. *NexPoint Advisors, L.P. et al. v. Highland Capital Management, L.P.*, No. 21-10449, was docketed on May 4, 2021. This direct appeal involves a challenge to the bankruptcy court's confirmation of Highland's chapter 11 plan of reorganization. This case was fully briefed on October 21, 2021, heard at oral argument before Judges Weiner, Graves, and Duncan on March 8, 2021, and decided by published opinion and final judgment on August 19, 2022. On September 2, 2022, certain of the appellants petitioned for rehearing. On September 7, 2022, the Court granted





LAW OFFICES

Lyle W. Cayce
September 12, 2022
Page 2

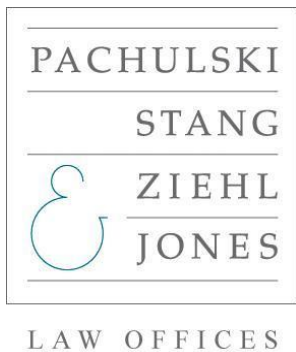
the petition and entered a revised opinion and remanded the case to the bankruptcy court for further proceedings.

2. *Highland Capital Management Fund Advisors, L.P. v. Highland Capital Management, L.P.*, No. 22-10189, was docketed on February 24, 2022. This appeal involves a challenge to the bankruptcy court's post-confirmation order authorizing Highland's establishment of an indemnity trust, which appellees argue was an impermissible modification of Highland's confirmed plan. The district court affirmed. This case was fully briefed on July 29, 2022, and has not been calendared for argument.
3. *NexPoint Advisors, L.P. v. Pachulski Stang Ziehl & Jones, L.L.P. et al.*, No. 22-10575, was docketed on June 10, 2022. This appeal involves five bankruptcy court orders approving various estate professionals' final applications for fees and reimbursement of expenses. The district court dismissed the appeal for appellant's lack of standing. Appellant's opening brief is due on September 19, 2022.
4. *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*, No. 22-10831, was docketed on August 25, 2022. This appeal involves a challenge to the bankruptcy court's order denying as moot a motion to compel Highland's compliance with disclosure requirements in Rule 2015.3 of the Federal Rules of Bankruptcy Procedure. The district court dismissed the appeal as moot. A briefing order has not yet issued in this appeal. In Case No. 21-10449, the panel's opinion (at 19-20) affirmed the bankruptcy court's confirmation of Highland's reorganization plan over an objection that Highland's alleged violations of Rule 2015.3 precluded confirmation.

* * *

Other appeals arising from the same bankruptcy case are pending in the district court, and some of those appeals may result in additional related appeals being docketed in this Court. If so, then Highland will promptly identify any such appeals to the Court.

Given the extensive record developed in Highland's bankruptcy case, and the overlapping issues, facts, and parties within the various



Lyle W. Cayce
September 12, 2022
Page 3

appeals, Highland respectfully submits that the Court may find it efficient to assign these appeals to a single panel or otherwise coordinate proceedings.

Very truly yours,

Jeffrey N. Pomerantz