

FORM FOR APPEARANCE

Only attorneys admitted to the Bar of this Court practice before the Court. Each attorney representing a party must complete a separate form. (COMPLETE ENTIRE FORM).

L I W K NO. 22-10983 & D V H

The Dugaboy Investment Trust

( 6 K R U W 7 L W O H

The Clerk will enter my appearance as Counsel for

vs. Highland Capital Management, L.P.

Highland Capital Management, L.P.

(Please list names of all parties represented, attach additional pages if necessary.)

The party(s) I represent IN THIS COURT

Appellant(s)

Petitioner(s)

Respondent(s)

Amicus Curiae

Appellee(s)

Intervenor

I certify that the contact information below is current and identical to that listed in my Appellate Filer Account with PACER.

[Signature]

(Signature)

John A. Morris

(Type or print name)

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(e-mail address)

NY Bar No. 5371992

(State/Bar No.)

(Title, if any)

Male

Female

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Primary Tel. (212) 561-7760 Cell Phone: (646) 341-3686

NOTE: When more than one attorney represents a single party or group of parties, counsel should designate a lead counsel. In the event the court determines oral argument is necessary, lead counsel only will receive via e-mail a copy of the court's docket and acknowledgment form. Other counsel may monitor the court's website for the posting of oral argument calendars.

Name of Lead Counsel: Jeffrey N. Pomerantz

A. Name of any Circuit Judge of the Fifth Circuit who participated in this case in the district or bankruptcy court.

B. Inquiry of Counsel. To your knowledge:

(1) Is there any case now pending in this court, which involves the same, substantially the same, similar or related issue(s)?

Yes

No

(2) Is there any such case now pending in a District Court (i) within this Circuit, or (ii) in a Federal Administrative Agency which would likely be appealed to the Fifth Circuit?

Yes

No

(3) Is there any case such as (1) or (2) in which judgment or order has been entered and the case is on its way to this Court by appeal, petition to enforce, review, deny?

Yes

No

(4) Does this case qualify for calendaring priority under 5th Cir. R. 47.7? If so, cite the type of case

If answer to (1), or (2), or (3), is yes, please give detailed information. Number and Style of Related Case

SEE ATTACHED

Name of Court or Agency

Status of Appeal (if any)

Other Status (if not appealed)

NOTE: Attach sheet to give further details.



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## Attachment to Notice of Appearance

No. 22-10983

Short Title: *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*

### B. Inquiry of Counsel

#### (1) Related cases now pending in this Court:

- *Highland Capital Management Fund Advisors, L.P., et. al v. Highland Capital Management, L.P.*, No. 22-10189: fully briefed on July 29, 2022; Case Tentatively calendared for oral argument for the week of 12/05/2022
- *NexPoint Advisors, L.P. v. Pachulski Stang Ziehl & Jones, L.L.P. et al.*, No. 22-10575: briefing ongoing
- *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*, No. 22-10831: briefing order issued on September 12, 2022
- *James Dondero v. Highland Capital Management L.P.*, No. 22-10889: briefing order issued on September 28, 2022
- *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*, No. 22-10960: briefing order issued on October 12, 2022

#### (2) Related cases now pending in a district court, which would likely be appealed to the Fifth Circuit:

- *Highland Capital Management, L.P., et al. v. Highland Capital Management Fund Advisors L.P.*, Northern District of Texas, No. 3:21-cv-881 (consolidated cases: 3:22-cv-789, 3:21-cv-880, 3:21-cv-1010, 3:21-cv-1378, 3:21-cv-1379): briefing ongoing
- *The Charitable DAF Fund, L.P., et al. v. Highland Capital Management, L.P.*, Northern District of Texas, No. 3:21-cv-1585: motion for summary affirmance pending
- *The Charitable DAF Fund, L.P., et al. v. Highland Capital Management, L.P.*, Northern District of Texas, No. 3:21-cv-1974: opinion and order issued September 28, 2022; notice of appeal to Fifth Circuit filed October 20, 2022

- *Highland Capital Management Fund Advisors, L.P., et al. vs. Highland Capital Management, L.P.*, Northern District of Texas, No. 3:22-cv-02170: Judgment is conditionally stayed as to each Defendant as of October 11, 2022; supersedeas bonds posted and docketed
- *The Charitable DAF Fund, L.P. v. Highland Capital Management, L.P.*, Northern District of Texas, No. 3:22-cv-02280: notice of appeal docketed October 12, 2022