

NOTICE OF FORM FOR APPEAL

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

Fifth Cir. Case NO. 22-11036

Charitable DAF Fund, L.P. vs. Highland Capital Management, L.P.

(Short Title)

The Clerk will enter my appearance as Counsel for 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 [ ] Petitioner(s) [ ] Respondent(s) [ ] Amicus Curiae

[ ] Appellant(s) [x] Appellee(s) [ ] Intervenor

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

[Handwritten Signature]

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(Signature)

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Melissa S. Hayward

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(Type or print name)

(State/Bar No.)

(Title, if any)

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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 must 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)?

[x] 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?

[x] 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 [x] 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:

Please 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. 22-11036

Short Title: *The Charitable DAF Fund, L.P., et al. 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. 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 December 5, 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 ongoing
- *James Dondero v. Highland Capital Management, L.P.*, No. 22-10889: briefing ongoing
- *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*, No. 22-10960: briefing notice issued
- *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*, No. 22-10983: briefing notice issued

#### (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: 3:21-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: motions for summary affirmance and to reopen case pending

- *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