

**United States District Court**  
 NORTHERN DISTRICT OF TEXAS  
 DALLAS DIVISION

THE CHARITABLE DAF FUND, L.P. and CLO HOLDCO, LTD.	§	
	§	
	§	
v.	§	CIVIL ACTION NO. 3:21-CV-1585-S
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.	§	
	§	
_____	§	
IN RE:	§	BANKRUPTCY CASE No. 19-34054-SGJ11
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.	§	Chapter No.: 11
	§	

**ORDER**

This Order addresses Appellants’ Motion to Reopen Administratively Closed Appeal, Notice of Fifth Circuit Decision, and Request for Briefing Schedule (“Motion”) [ECF No. 25]. This Court abated and administratively closed the above-styled appeal pending the resolution of *NexPoint Advisors, L.P. et al. v. Highland Capital Management, L.P.*, No. 21-10449 (5th Cir. 2021). Although the aforementioned appeal resolved with the Fifth Circuit’s opinion in *Matter of Highland Capital Management, L.P.*, 48 F.4th 419, 424 (5th Cir. 2022), another related case is now pending before the Fifth Circuit. In light of the new related appeal, the Court **DENIES** the Motion.

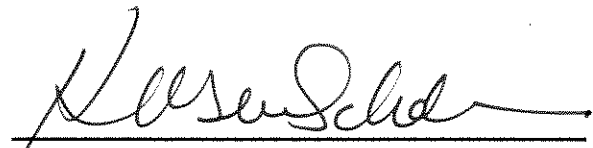
It is therefore **ORDERED** that the above-styled appeal remain **ABATED** and **ADMINISTRATIVELY CLOSED** pending the resolution of *Charitable DAF Fund, L.P. v. Highland Capital Management, L.P.*, No. 22-11036 (5th Cir. 2022), without prejudice to it being reopened upon a motion by any party or to enter a judgment. Appellants shall file their opening brief on or before 14 days after a final mandate issues or the appeal is otherwise resolved.



It is further **ORDERED** that Appellee's Motion for Summary Affirmance [ECF No. 23] and Appellants' Motion for Extension of Time to File Opening Brief [ECF No. 29] are hereby **TERMINATED AS MOOT**.

**SO ORDERED.**

SIGNED November 9, 2022.

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**KAREN GREN SCHOLER**  
**UNITED STATES DISTRICT JUDGE**