

Case No. 22-10960

---

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

In the Matter of: Highland Capital Management, L.P.,

Debtor.

---

The Dugaboy Investment Trust,

Appellant,

v.

Highland Capital Management, L.P.,

Appellee.

---

On Appeal from the United States District Court for the  
Northern District of Texas, the Honorable Sam A. Lindsay 21-10295

---

**APPELLANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE APPELLANT’S PRINCIPAL BRIEF**

---

Douglas S. Draper, Esq.  
**HELLER, DRAPER & HORN, L.L.C.**  
650 Poydras Street, Suite 2500  
New Orleans, Louisiana 70130  
Telephone: (504) 299-3300  
Facsimile: (504) 299-3399

**ATTORNEYS FOR APPELLANT  
THE DUGABOY INVESTMENT TRUST**

{00379254-1}



**CERTIFICATE OF INTERESTED PERSONS**

The undersigned counsel of record certifies that the following listed persons and entities, as described in the fourth sentence of Rule 28.2.1, have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

**1. The Debtor / Appellee / Counsel:**  
Highland Capital Management, L.P.

Attorneys:

Gregory V. Demo  
John A. Morris  
Jordan A. Kroop  
Robert J. Feinstein  
Pachulski Stang Ziehl & Jones LLP  
780 Third Ave.  
34<sup>th</sup> Floor  
New York, NY 10017  
212-561-7700  
Fax: 212-561-7777  
Email: [gdemo@pszjlaw.com](mailto:gdemo@pszjlaw.com)  
[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)  
[jkroop@pszjlaw.com](mailto:jkroop@pszjlaw.com)  
[rfeinstein@pszjlaw.com](mailto:rfeinstein@pszjlaw.com)

Jeffrey N. Pomerantz  
Pachulski Stang Ziehl & Jones LLP  
10100 Sanat Monica Blvd.  
13<sup>th</sup> Floor  
Los Angeles, CA 90067  
310-227-6910  
Fax: 310-201-0760  
Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)

Melissa S. Hayward  
Hayward PLLC  
10501 N Central Expwy  
Suite 106  
Dallas, TX 75231  
972-755-7104  
Email: [mhayward@haywardfirm.com](mailto:mhayward@haywardfirm.com)

**2. The Creditor's Committee / Counsel:**

Acis Capital Management, L.P.  
Meta-e Discovery  
The Redeemer Committee of Highland Crusader Fund  
UBS Securities, LLC and UBS AG London Branch

Pursuant to the Debtor's confirmed chapter 11 plan, the Committee has been dissolved. The Committee's counsel now represent the Litigation Trustee appointed pursuant to the plan, Marc S. Kirschner.

Counsel:  
Paige Holden Montgomery  
Juliana L. Hoffman  
Sidley Austin LLP  
2021 McKinney Avenue, Suite 2000  
Dallas, Texas 74201

Matthew A. Clemente  
Dennis M. Twomey  
Alyssa Russell  
Sidley Austin, LLP  
One South Dearborn Street  
Chicago, Illinois 60603

**3. Appellant / Counsel:**

The Dugaboy Investment Trust

Trustees:

Grant Scott  
Nancy Dondero

Counsel:

Douglas S. Draper, Esq.  
Louisiana Bar No. 5073  
Heller, Draper & Horn, LLC  
650 Poydras Street, Suite 2500  
New Orleans, Louisiana 70130

/s/ Douglas S. Draper

Douglas S. Draper

**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE APPELLANT'S PRINCIPAL BRIEF**

In accordance with Federal Rule of Appellate Procedure 27 and Fifth Circuit Rule 31.4, Appellant files this first unopposed motion for a fifteen (15) day extension of time to file its briefs, to and including December 6, 2022. In support thereof, Appellant respectfully shows unto the Court as follows:

1. The Court on October 12, 2022 filed its Briefing Notice directing that the Appellant's brief and record excerpts are due within 40 days, to and including November 21, 2022.

2. The Appellant is seeking a fifteen (15) day extension, to and including December 6, 2022, in which to file its brief. This is the Appellant's first request for extension of time.

3. Counsel for the Appellant has conferred with counsel for the Appellee and has been informed that there is no opposition to the granting of this motion.

4. The Appellant is seeking the extension because the undersigned counsel has commitments in a number of other cases that require significant attention, including an Appellant brief due *In the Matter of: Dugaboy Investment Trust v. Highland Capital Management, L.P.* Case No. 22-10983 on November 28, 2022.

{00379254-1}

5. Counsel needs the additional time to properly address the issues in this matter and review the 23 volumes of the record on appeal. The extension is requested so that the Appellant can have sufficient time dedicate to this brief.

6. The extension is sought in the interest of justice, not for delay, and no party will be prejudiced if the extension is granted.

### **CONCLUSION**

7. Accordingly, the Appellant states that the requested extension should be granted.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of November 2022.

### **HELLER, DRAPER & HORN, L.L.C.**

By: /s/ Douglas S. Draper  
Douglas S. Draper, Esq.  
Louisiana Bar No. 5073  
650 Poydras Street, Suite 2500  
New Orleans, Louisiana 70130  
Telephone: (504) 299-3300  
Facsimile: (504) 299-3399  
Email: [ddraper@hellerdraper.com](mailto:ddraper@hellerdraper.com)

**ATTORNEYS FOR APPELLANT  
THE DUGABOY INVESTMENT TRUST**

## CERTIFICATE OF CONFERENCE

On November 13, 2022, the counsel for the Appellant, Greta M. Brouphy, Esq. conferred with counsel for the Appellee, Highland Capital Management, L.P, who advised of no opposition to this request for extension of time to file Appellee's Brief.

By: /s/Douglas S. Draper  
Douglas S. Draper, Esq.

## CERTIFICATE OF COMPLIANCE

This Motion complies with: (1) the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 875 words, excluding the parts exempted by Rule 27(a)(2)(B); and (2) the typeface and type style requirements of Rule 27(d)(1)(E) because it has been prepared in a proportionally spaced typeface (14 – point Times New Roman) using Microsoft Word (the same program used for the word count).

By: /s/Douglas S. Draper  
Douglas S. Draper, Esq.



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on this 14<sup>th</sup> day of November 2022, I caused a true and a correct copy of the foregoing document to be served by the Court's ECF System upon parties entitled to notice thereof, including on counsel for the Appellee.

By: /s/Douglas S. Draper  
Douglas S. Draper, Esq.