

Case No. 22-10983

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

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

Debtor.

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The Dugaboy Investment Trust,

Appellant,

v.

Highland Capital Management, L.P.,

Appellee.

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

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

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**ATTORNEYS FOR APPELLANT**

{00379237-2}



**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.

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**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.

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**3. Appellant / Counsel:**

The Dugaboy Investment Trust

Trustees:  
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Nancy Dondero

Counsel:

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**4. Party-In-Interest:**

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*/s/Douglas S. Draper*  
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Douglas S. Draper, Esq.

**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 13, 2022. In support thereof, Appellant respectfully shows unto the Court as follows:

1. The Court on October 17, 2022, filed its Briefing Notice directing that the Appellant’s brief and record excerpts are due within 40 days, to and including November 28, 2022.

2. The Appellant is seeking a fifteen (15) day extension, to and including December 13, 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. 22-10960 on November 21, 2022.

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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.**

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**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 1040 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.

And upon counsel for UBS Securities LLC and UBS AG London Branch via email transmission and U.S. Mail, First Class properly addressed with pre-paid postage to:

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