



*File Response Brief* (the “Motion”). In support of its Motion, Highland respectfully states as follows:

**I. BACKGROUND**

1. On September 20, 2022, appellants NexPoint Advisors, L.P. (“NexPoint”) and Highland Capital Management Fund Advisors, L.P. (“HCMFA,” and together with NexPoint, “Appellants”) filed their *Joint Notice of Appeal* of the Bankruptcy Court’s *Judgment* entered by the Bankruptcy Court on September 14, 2022 in adversary proceeding no. 21-03010-sgj, Docket No. 126.

2. On November 22, 2022, the record on appeal was transmitted to this Court. [Docket No. 2]. Under Fed. R. Bankr. P. 8018(a)(1) (“Bankruptcy Rule 8018”), the deadline for Appellants to file their opening brief was thirty days later, or December 22, 2022. On December 12, 2022, Appellants filed their *Unopposed Motion to Extend Brief Deadline* seeking to extend the deadline by which to file their opening brief to January 12, 2023 [Docket No. 3] (“Appellants’ Motion for Extension”). Highland consented to the relief requested therein. On December 13, 2022, the Court granted Appellants’ Motion for Extension. [Docket No. 4]. On January 12, 2023, Appellants filed their opening brief. [Docket No. 6]. Pursuant to Bankruptcy Rule 8018, Highland’s response brief (the “Response”) is currently due on February 13, 2023. *See* FED. R. BANKR. P. 8018(a)(2).

**II. RELIEF REQUESTED**

3. Highland respectfully requests a 30-day extension of time in which to file its Response.

4. Good cause exists for the requested extension. Counsel for Highland has a number of conflicting deadlines throughout the next several weeks (including preparing several other briefs for filing in the United States Court of Appeals for the Fifth Circuit and the United States District Court for the Northern District of Texas related to the Highland bankruptcy case) which would

make it difficult for counsel to devote the requisite time to drafting the Response. A 30-day extension will provide counsel with sufficient time to address the Response.

5. Accordingly, for the foregoing reasons, Highland respectfully requests that the Court extend the deadline for Highland to file its Response from February 13, 2023 to March 15, 2023.

### **III. CONCLUSION**

WHEREFORE, Highland respectfully requests that the Court enter an order (i) granting the Motion, (ii) extending the deadline for Highland to file its Response from February 13, 2023 to March 15, 2023, and (iii) granting Highland such other and further relief as may be just and proper.

*[Remainder of Page Intentionally Blank]*

Dated: January 20, 2023

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (CA Bar No. 143717)  
John A. Morris (NY Bar No. 2405397)  
Gregory V. Demo (NY Bar No. 5371992)  
Hayley R. Winograd (NY Bar No. 5612569)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760  
Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)  
[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)  
[gdemo@pszjlaw.com](mailto:gdemo@pszjlaw.com)  
[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)

-and-

**HAYWARD PLLC**

*/s/ Zachery Z. Annable*

---

Melissa S. Hayward  
Texas Bar No. 24044908  
[MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com)  
Zachery Z. Annable  
Texas Bar No. 24053075  
[ZAnnable@HaywardFirm.com](mailto:ZAnnable@HaywardFirm.com)  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100  
Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P.*

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that, on January 18, 2023, counsel for Highland corresponded with counsel for Appellants regarding the relief requested in the foregoing Motion. Counsel for Appellant advised counsel for Highland that Appellants are **UNOPPOSED** to the relief requested in the Motion.

/s/ Zachery Z. Annable  
Zachery Z. Annable

