

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

The Charitable DAF Fund LP, et al. vs. Highland Capital Management, LP

(Short Title)

The Clerk will enter my appearance as Counsel for The Charitable DAF Fund L.P.; CLO Holdco, Limited;

Mark Patrick; Sbaiti & Company PLLC; Mazin A. Sbaiti; Jonathan Bridges

(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) Appellee(s) Intervenor

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

/s/ Aaron Gordon

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(Signature)

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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: Erik S. Jaffe

A. Name of any Circuit Judge of the Fifth Circuit who participated in this case in the district or bankruptcy court.

N/A

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)?

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?

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 No

(4) Does this case qualify for calendaring priority under 5th Cir. R. 47.7? If so, cite the type of case No.

If answer to (1), or (2), or (3), is yes, please give detailed information. Number and Style of Related Case:

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:

- *NexPoint Advisors, L.P. v. Pachulski Stang Ziehl & Jones, L.L.P. et al.*, No. 22-10575: briefing completed 2/3/23; no oral argument currently scheduled.
- *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*, No. 22-10831: briefing completed 1/23/23; no oral argument currently scheduled.
- *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 on 10/12/22.
- *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*, No. 22-10983: briefing ongoing.

(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: 3:22-cv-789, 3:21-cv-880, 3:21-cv-1010, 3:21-cv-1378, 3:21-cv-1379): briefing ongoing; Report and Recommendation was made, with objections filed.

- *The Charitable DAF Fund, L.P., et al. v. Highland Capital Management, L.P.*, Northern District of Texas, No. 3:21-cv-1585: case is abated and administratively closed pending the resolution of Case No. 22-11036, *Charitable DAF Fund, L.P. v. Highland Capital Management, L.P.*, pending in the Fifth Circuit, without prejudice to it being reopened upon a motion by any party or to enter a judgment; briefing to begin on or before 14 days after a final mandate issues or the appeal is otherwise resolved.
- *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; briefing ongoing.
- *The Charitable DAF Fund, L.P. v. Highland Capital Management, L.P.*, Northern District of Texas, No. 3:22-cv-02280: briefing ongoing.