

No. 22-10889

**In the
UNITED STATES COURT OF APPEALS
for the Fifth Circuit**

In the matter of Highland Capital Management, L.P.,

Debtor.

James Dondero, Defendant in the above-captioned adversary proceeding and a creditor, indirect equity holder, and party in interest in the above-captioned bankruptcy case,

Appellant,

v.

Highland Capital Management, L.P., Plaintiff in the above-captioned adversary proceeding and the Debtor in the above-captioned bankruptcy case,

Appellee.

**Appeal from the United States District Court
for the Northern District of Texas, Dallas Division
Honorable David Godbey, United States District Judge
No. 3:21-cv-01590-N**

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

To the Honorable Court:

Pursuant to 5TH CIR. R. 31.4.1, Appellant James Dondero ("Appellant")



requests a 14-day extension of time to file his Appellant's Reply Brief, which would extend the current due date from March 10, 2023 to March 24, 2023. No other extension has been requested or granted, and this motion is not opposed. The following discussion will explain the circumstances that warrant this extension.

1. Since Appellee filed its brief on February 17, 2023, the undersigned counsel for Appellant have been and will be involved in other matters, all of which materially affect when they can begin working on the Appellant's Reply Brief in this case. The details of these matters are:

- (a) preparing a response brief on the merits due on February 20, 2023 in the Texas Supreme Court in *American Honda Motor Co., Inc. v. Milburn*, No. 21-1097;
- (b) preparing response to a summary judgment motion and motions to exclude due on February 22-24, 2023 in the U.S. District Court for the Northern District of Texas in *J.T., individually and as next friend of M. L. v. Uplift Education*, No. 3:20-cv-3443-D;
- (c) personal vacations scheduled for February 22-26, 2023 (for Mr. Levinger) and March 13-17, 2023 (for Mr. Cecere);
- (d) preparing for a judgment hearing on February 27, 2023 in the 68th Judicial District Court of Dallas County, Texas in *Adams v. Flower Mound Hospital Partners, LLC*, No. DC-20-17490;
- (e) preparing for summary judgment and related hearings on March 2, 2023 in County Court at Law No. 4 in Dallas County, Texas in *Ewing, et al. v. Caballero, et al.*, No. CC-18-01104-D;

- (f) preparing a reply brief due on March 3, 2023 in the U.S. Court of Appeals for the Tenth Circuit in *Youngberg, et al. v. General Motors LLC*, No. 22-7047; and
- (g) assisting in a non-jury trial scheduled to begin on March 14, 2023 in the 471st Judicial District Court of Collin County, Texas in *KWA Construction v. ADC West Ridge, L.P.*, No. 471-00389-2018.

2. In the matters listed in (a), (b), (e), (f), and (g), the deadlines either have been extended once or cannot be extended further. In addition, one (or both) of the undersigned counsel serve as the lead appellate counsel in each of these cases and is responsible for preparing the briefs or presenting the argument in all of them. As a result of their involvement in these cases, the undersigned likely will be unable to begin significant work on the Appellant's Reply Brief in this case until mid-March, 2023.

3. For all these reasons, Appellant James Dondero respectfully requests that the Court extend the time to file his Appellant's Reply Brief to March 24, 2023.

Respectfully submitted,

/s/ Jeffrey S. Levinger

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Attorneys for Appellant

James Dondero

CERTIFICATE OF CONFERENCE

On February 20, 2023, the undersigned conferred with John A. Morris, one of the counsel for Appellee, regarding this motion. Mr. Morris stated that the motion will not be opposed.

/s/ Jeffrey S. Levinger

Jeffrey S. Levinger

CERTIFICATE OF SERVICE

The undersigned certifies that on February 20, 2023, the foregoing Unopposed Motion for Extension of Time to File Appellant's Reply Brief was electronically filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the Appellate CM-ECF System. Participants in this case who are registered CM-ECF users will be served electronically by the Appellate CM-ECF System.

/s/ Jeffrey S. Levinger

Jeffrey S. Levinger