

No. 22-11036

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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.*

**The Charitable DAF Fund L.P.; CLO Holdco, Limited; Mark Patrick;  
Sbaiti & Company, P.L.L.C.; Mazin A. Sbaiti; Jonathan Bridges,**

*Appellants,*

**v.**

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

*Appellee.*

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

*Debtor.*

**James Dondero,**

*Appellant,*

**v.**

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

*Appellee.*

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

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**To the Honorable Court:**



Pursuant to 5TH CIR. R. 31.4.4, Appellant James Dondero (“Appellant”) requests a 21-day extension of time to file his Appellant’s Reply Brief, which would extend the current due date from April 28, 2023 to May 19, 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 the Appellee filed its brief on April 7, 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 for and presenting oral argument on April 11, 2023 in the Dallas Court of Appeals in *Envirodigm, Inc., et al. v. Texas Instruments, Inc.*, No. 05-22-00359-CV;
- (b) assisting in a jury trial that began on April 11, 2023 in County Court at Law No. 2 of Dallas County, Texas in *Michelle Williams, et al. v. Greystar Development & Construction, L.P., et al.*, No. CC-19-04006-B;
- (c) preparing a response to a motion to exclude due on April 14, 2023 and preparing for oral argument on a motion for summary judgment on May 4, 2023 in the U.S. District Court for the Northern District of Texas in *J.T., Individually and as next friend of M.L., a minor, v. Uplift Education*, No. 3:20-cv-034430-D;
- (d) preparing an appellant’s brief due on April 17, 2023 in the Dallas Court of Appeals in *Wings v. Freedman*, No. 05-23-00077-CV;

- (e) preparing a response to a petition for review due on April 24, 2023 in the Texas Supreme Court in *Jennifer Parks, et al. v. Ford Motor Company*, No. 23-0048;
- (f) preparing for a hearing on various post-judgment motions on May 1, 2023 in the 68th Judicial District Court of Dallas County, Texas in *Adams v. Texas Health Presbyterian*, No. DC-20-17490; and
- (g) preparing an appellee's brief due on May 15, 2023 in this Court in *El Campo Ventures, L.L.C. v. Stratton Securities, Inc.*, No. 22-50838.

2. In all the matters listed above except for item (e), 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 the second week of May 2023, at the earliest.

3. Finally, Appellant's counsel need the additional time in order to coordinate with counsel for his co-Appellants. That coordination is necessary so that the two reply briefs will be consistent and non-duplicative.

4. For all these reasons, Appellant James Dondero respectfully requests that the Court extend the time to file his Appellant's Reply Brief to May 19, 2023.

Respectfully submitted,

*/s/ Jeffrey S. Levinger*

**Jeffrey S. Levinger**  
State Bar No. 12258300  
jlevinger@levingerpc.com  
**J. Carl Cecere (of counsel)**  
State Bar No. 24050397  
ccecere@cecerepc.com

**Levinger PC**  
1700 Pacific Ave., Suite 2390  
Dallas, Texas 75201  
Telephone: 214-855-6817  
Facsimile: 214-817-4509

*Attorneys for Appellant*  
*James Dondero*

#### **CERTIFICATE OF CONFERENCE**

On April 17, 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 April 18, 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**