

**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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On Appeal from the United States District Court  
for the Northern District of Texas, Dallas Division  
Case Nos. 3:21-cv-1974-X & 3:21-cv-1979-S, Hon. Judge Brantley Starr

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**APPELLANTS' UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE REPLY**

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## CERTIFICATE OF INTERESTED PERSONS

No. 22-11036

*Charitable DAF v. Highland Capital Management*

The undersigned counsel of record certifies that the following persons and entities as described in the fourth sentence of Circuit 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:

Appellants:                   The Charitable DAF Fund, L.P.  
                                  CLO Holdco, Ltd.  
                                  Mark Patrick  
                                  Sbaiti & Company, PLLC  
                                  Mazin A. Sbaiti  
                                  Jonathan Bridges

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                                  Brian J. Field (bfield@schaerr-jaffe.com)

                                  SBAITI & COMPANY, PLLC  
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                                  Jonathan Bridges (jeb@sbautilaw.com)

Appellant:                   James Dondero

Counsel for                   LEVINGER, P.C.  
Appellant:                   Jeffrey S. Levinger (jlevinger@levingerpc.com)

Debtor & Appellee:        Highland Capital Management, L.P.

Counsel for Debtor  
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/s/ Erik S. Jaffe  
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CLO Holdco, Ltd.; Mark Patrick;  
Sbaiti & Company, PLLC;  
Mazin A. Sbaiti; and Jonathan Bridges*

Pursuant to Rule 34.1 of this Court's Rules, Appellants Mark Patrick, Mazin Sbaiti, Jonathan Bridges, Sbaiti & Company PLLC, Charitable DAF Fund, L.P., and CLO Holdco, Ltd. ("Appellants") respectfully request a Level-1 extension of their deadline to file a reply brief, which is currently due by April 28, 2023. Appellants request that the Court extend this deadline by three weeks to May 19, 2023. This is Appellants' first request to extend this deadline, and the request is unopposed.

There is good cause to grant the requested extension. Specifically, in addition to the reply brief in this case, Appellants' counsel must also handle pressing deadlines in the following cases:

- *Mock v. Garland*, No. 23-10319 (5th Cir.) – Reply in support of emergency motion for injunction pending appeal due April 19, 2023.
- *In re Search Warrant Executed on Nov. 5, 2021*, No. 21-Misc-0813 (S.D.N.Y) – Objections to Magistrate's Report & Recommendation due May 1, 2023.
- *Doe v. Rogers*, No. 20-5297 (D.C. Cir.) – Petition for rehearing due May 1, 2023.
- *Sambrano v. United Airlines*, No. 4:21-cv-01074 (N.D. Tex.) – Opposition to motion to dismiss due April 24, 2023, and extensive discovery deadlines during April and May.
- *In re SB 202*, No. 21-mi-55555 (N.D. Ga.) – Extensive expert discovery, with nearly two dozen expert depositions to complete by May 19, 2023.

To allow Appellants' counsel adequate time to handle these matters, as well as Appellants' reply brief in this matter, Appellants request that the Court extend the reply-brief deadline to May 19, 2023. This request is made in good faith and not for the purposes of delay.

April 18, 2023

Respectfully submitted,

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CLO Holdco, Ltd., Mark Patrick, Sbaiti & Company, PLLC,  
Mazin A. Sbaiti and Jonathan Bridges*

### **CERTIFICATE OF COMPLIANCE**

This motion complies with the type-volume, typeface, and type-style requirements of Federal Rule of Appellate Procedure 27(d)(2)(A). Excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), the motion contains 259 words and was prepared using Microsoft Word and produced in Times New Roman 14-point font.

April 18, 2022

/s/ Erik S. Jaffe  
Erik S. Jaffe

### **CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2023 the foregoing Unopposed Motion for Extension of Time was served via the Court's ECF filing system on all registered counsel of record. I further certify that all parties that must be served have been served.

/s/ Erik S. Jaffe  
Erik S. Jaffe