

Deborah Deitsch-Perez
Michael P. Aigen
STINSON LLP
2200 Ross Avenue, Suite 2900
Dallas, Texas 75201
Telephone: (214) 560-2201
Counsel for James Dondero, NexPoint Asset Management, L.P., NexPoint Advisors, L.P., Highland Capital Management Services, Inc., NexPoint Real Estate Partners, LLC, and The Dugaboy Investment Trust

John A. Morris (*pro hac vice*)
NY Bar No. 2405397
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Attorneys for Reorganized Debtor Highland Capital Management, LP

Amy L. Ruhland
REICHMAN JORGENSEN LEHMAN & FELDBERG LLP
901 S. MoPac Expressway
Building 1, Suite 300
Austin, TX 78746
Telephone: (650) 623-1401
Counsel for James Dondero, The Dugaboy Investment Trust, and Strand Advisors, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

**HIGHLAND CAPITAL MANAGEMENT, L.P.,

Debtor.**

Chapter 11

Case No. 19-34054-sgj11

**HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,**

Civ. Act. No. 3:21-cv-00881-X

v.

**(Consolidated with 3:21-cv-00880-X,
3:21-cv-01010-X, 3:21-cv-01378-X,
3:21-cv-01379-X)**

**NEXPOINT ASSET MANAGEMENT, L.P., et al.

Defendants.**

**JOINT AGREED EMERGENCY MOTION FOR APPROVAL OF STIPULATION
REGARDING BRIEFING ON HIGHLAND CAPITAL MANAGEMENT, L.P.'S
MOTION TO DEEM THE DONDERO ENTITIES VEXATIOUS LITIGANTS AND FOR
RELATED RELIEF**

COME NOW Highland Capital Management L.P. ("Highland" or "Plaintiff"), on the one hand, and James Dondero, NexPoint Asset Management, L.P., NexPoint Advisors, L.P., Highland



Capital Management Services, Inc., NexPoint Real Estate Partners, LLC, The Dugaboy Investment Trust, and Strand Advisors, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties"), on the other hand, by and through their respective undersigned counsel, filing this *Joint Agreed Emergency Motion for Approval of Stipulation Regarding Briefing on Highland Capital Management, L.P.'s Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief* (the "Motion") seeking entry of an order from this Court, approving the *Stipulation Regarding Briefing on Highland Capital Management, L.P.'s Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief* (the "Stipulation") executed by the Parties and attached hereto as **Exhibit 1**. In support of the Motion, the Parties respectfully state the following:

I. BACKGROUND

1. On October 16, 2019 (the "Petition Date"), Highland filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS).

2. The above-captioned cases were consolidated in this Court to, among other things, review certain reports and recommendations from the Bankruptcy Court.

3. On July 14, 2023, Plaintiff filed its *Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief in this Court* [Docket No. 136] ("Plaintiff's Vexatious Litigant Motion"), comprising 35 pages of text, an accompanying 16-page textual chart, and an appendix of cited materials.

4. Due to the significant number of issues raised by Plaintiff in Plaintiff's Vexatious Litigation Motion, the Parties have conferred in good faith and agree that, subject to the Court's approval, the page limit for Defendants' response to Plaintiff's Vexatious Litigant Motion shall be modified as set forth below.

II. RELIEF REQUESTED

The Parties respectfully request that it enter an order directing that the page limit for Defendants' Response to Plaintiff's Vexatious Litigant Motion will be increased from 25 pages to 47 pages, with a no more than 2-page accompanying chart, as well as an appendix with cited materials.

WHEREFORE, the Parties respectfully request that the Court (i) grant the Motion; (ii) enter an order, substantially in the form of the Proposed Order attached hereto as **Exhibit 2**, approving the Stipulation; and (iii) grant such other and further relief as the Court deems just and proper.

[Remainder of Page Intentionally Blank]

Dated: December 15, 2023

/s/ Deborah Deitsch-Perez

Deborah Deitsch-Perez
State Bar No. 24036072
Michael P. Aigen
State Bar No. 24012196
STINSON LLP
2200 Ross Avenue, Suite 2900
Dallas, Texas 75201
(214) 560-2201 telephone
(214) 560-2203 facsimile
Email: deborah.deitschperez@stinson.com
Email: michael.aigen@stinson.com

Attorneys for James Dondero, NexPoint Asset Management, L.P., NexPoint Advisors, L.P., Highland Capital Management Services, Inc., NexPoint Real Estate Partners, LLC, and The Dugaboy Investment Trust

/s/ Amy L. Ruhland

REICHMAN JORGENSEN LEHMAN & FELDBERG LLP

Amy L. Ruhland
Texas State Bar No. 24043561
aruhland@reichmanjorgensen.com
901 S. MoPac Expressway
Building 1, Suite 300
Austin, TX 78746
Telephone: (650) 623-1401

Counsel for James Dondero, Dugaboy Investment Trust, and Strand Advisors, Inc.

/s/ John A. Morris

John A. Morris (pro hac vice)
(NY Bar No. 266326)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Email: jmorris@pszjlaw.com

Attorneys for Reorganized Debtor Highland Capital Management, LP

CERTIFICATE OF SERVICE

I certify that on December 15, 2023, a true and correct copy of the foregoing document was served via the Court's Electronic Case Filing system to the parties that are registered or otherwise entitled to receive electronic notices in this adversary proceeding.

/s/ Deborah Deitsch-Perez _____
Deborah Deitsch-Perez

Exhibit 1

Deborah Deitsch-Perez
Michael P. Aigen
STINSON LLP
2200 Ross Avenue, Suite 2900
Dallas, Texas 75201
Telephone: (214) 560-2201
Counsel for James Dondero, NexPoint Asset Management, L.P., NexPoint Advisors, L.P., Highland Capital Management Services, Inc., NexPoint Real Estate Partners, LLC, and The Dugaboy Investment Trust

John A. Morris (*pro hac vice*)
NY Bar No. 2405397
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Attorneys for Reorganized Debtor Highland Capital Management, LP

Amy L. Ruhland
REICHMAN JORGENSEN LEHMAN & FELDBERG LLP
901 S. MoPac Expressway
Building 1, Suite 300
Austin, TX 78746
Telephone: (650) 623-1401
Counsel for James Dondero, The Dugaboy Investment Trust, and Strand Advisors, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

**HIGHLAND CAPITAL MANAGEMENT, L.P.,

Debtor.**

Chapter 11

Case No. 19-34054-sgj11

**HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,**

Civ. Act. No. 3:21-cv-00881-X

v.

**(Consolidated with 3:21-cv-00880-X,
3:21-cv-01010-X, 3:21-cv-01378-X,
3:21-cv-01379-X)**

**NEXPOINT ASSET MANAGEMENT, L.P., et al.

Defendants.**

**STIPULATION REGARDING BRIEFING ON HIGHLAND CAPITAL MANAGEMENT,
L.P.'S MOTION TO DEEM THE DONDERO ENTITIES VEXATIOUS LITIGANTS
AND FOR RELATED RELIEF**

This Stipulation is entered into between Highland Capital Management, L.P., the plaintiff (the "Plaintiff" or "HCMLP") in the above-captioned consolidated action (the "Action"), on the

one hand, and James Dondero, NexPoint Asset Management, L.P., NexPoint Advisors, L.P., Highland Capital Management Services, Inc., NexPoint Real Estate Partners, LLC, The Dugaboy Investment Trust, and Strand Advisors, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties"), on the other hand.

RECITALS

WHEREAS, the above-captioned cases were consolidated in this Court to, among other things, review certain reports and recommendations from the Bankruptcy Court; and

WHEREAS, on July 14, 2023, Plaintiff filed its *Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief in this Court* [Docket No. 136] ("Plaintiff's Vexatious Litigant Motion") comprising 35 pages of text, an accompanying 16-page textual chart, and an appendix of cited materials;

WHEREAS, on December 15, 2023, Defendants will file a response to Plaintiff's Vexatious Litigant Motion ("Defendants' Response") and

WHEREAS, the Parties have conferred in good faith and agree that the page limit for Defendants' Response will be extended as stated below.

STIPULATION

NOW, THEREFORE, in consideration of the foregoing, and subject to the Court's approval, the Parties agree and stipulate as follows:

1. The page limit for Defendants' Response to Plaintiff's Vexatious Litigant Motion will be increased from 25 pages to 47 pages, with a no more than 2-page accompanying chart, and containing an appendix with cited materials;.and

2. This stipulation does not affect or change the page limits for any other party responding to Plaintiff's Vexatious Litigant Motion.

[Remainder of Page Intentionally Blank]

Dated: December 14, 2024

CONSENTED AND AGREED TO BY:

/s/ Deborah Deitsch-Perez

Deborah Deitsch-Perez
State Bar No. 24036072
Michael P. Aigen
State Bar No. 24012196
STINSON LLP
2200 Ross Avenue, Suite 2900
Dallas, Texas 75201
(214) 560-2201 telephone
(214) 560-2203 facsimile
Email: deborah.deitschperez@stinson.com
Email: michael.aigen@stinson.com

Attorneys for James Dondero, NexPoint Asset Management, L.P., NexPoint Advisors, L.P., Highland Capital Management Services, Inc., NexPoint Real Estate Partners, LLC, and The Dugaboy Investment Trust

/s/ Amy L. Ruhland

REICHMAN JORGENSEN LEHMAN & FELDBERG LLP

Amy L. Ruhland
Texas State Bar No. 24043561
aruhland@reichmanjorgensen.com
901 S. MoPac Expressway
Building 1, Suite 300
Austin, TX 78746
Telephone: (650) 623-1401

Counsel for James Dondero, Dugaboy Investment Trust, and Strand Advisors, Inc.

SO ORDERED:

U.S.D.J

CERTIFICATE OF SERVICE

I certify that on December 14, 2023, a true and correct copy of the foregoing document was served via the Court's Electronic Case Filing system to the parties that are registered or otherwise entitled to receive electronic notices in this adversary proceeding.

/s/ Deborah Deitsch-Perez
Deborah Deitsch-Perez

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Debtor.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

Chapter 11

Case No. 19-34054-sgj11

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

v.

NEXPOINT ASSET MANAGEMENT, L.P., et al.

Defendants.

Civ. Act. No. 3:21-cv-00881-X

**(Consolidated with 3:21-cv-00880-X,
 3:21-cv-01010-X, 3:21-cv-01378-X,
 3:21-cv-01379-X)**

**ORDER APPROVING STIPULATION REGARDING BRIEFING ON HIGHLAND
 CAPITAL MANAGEMENT, L.P.'S MOTION TO DEEM THE DONDERO ENTITIES
 VEXATIOUS LITIGANTS AND FOR RELATED RELIEF**

This matter having come before the Court on the *Joint Agreed Emergency Motion for Approval of Stipulation Regarding Briefing on Highland Capital Management, L.P.'s Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief* (the "Motion") filed by Highland Capital Management L.P. ("Highland"), on the one hand, and James Dondero, NexPoint Asset Management, L.P., NexPoint Advisors, L.P., Highland Capital Management Services, Inc., NexPoint Real Estate Partners, LLC, The Dugaboy Investment Trust, and Strand Advisors, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties"); and this Court having considered (i) the Motion and (ii) the *Stipulation Regarding Briefing on Highland Capital Management, L.P.'s Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief* (the "Stipulation") executed by the Parties and attached to the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establishes good cause for the

relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is hereby **ORDERED** that

1. The Motion is **GRANTED** as set forth herein.
2. The Stipulation, a copy of which is attached to this Order as **Exhibit 1**, is approved in all respects.
3. The page limit for Defendants' Response to Plaintiff's Vexatious Litigant Motion will be increased from 25 pages to 47 pages, with a no more than 2-page accompanying chart, as well as an appendix with cited materials.
4. The Court shall retain exclusive jurisdiction to hear and determine all matters and disputes arising from the interpretation and implementation of this Order.

It is so ordered this ____ day of _____, 2023.

The Honorable Brantley Starr
United States District Judge