

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 unless otherwise noted).**

Fifth Cir. Case NO. 23-10921

NexPoint Asset Management, L.P.

vs. Highland Capital Management, L.P.

(Short Title)

The Clerk will enter my appearance as Counsel for Highland Capital Management, L.P.

(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/ Melissa S. Hayward

mhayward@haywardfirm.com

(Signature)

(e-mail address)

Melissa S. Hayward

Texas 24044908

(Type or print name)

(State/Bar No.)

(Title, if any)

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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: Jeffrey N. Pomerantz

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

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 _____

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

Please 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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DATE OF REVISION: 09/2023

Attachment to Notice of Appearance

No. 23-10921

Short Title: *NexPoint Asset Management, L.P., formerly known as Highland Capital Management Fund Advisors, L.P. vs. Highland Capital Management, L.P.*

B. Inquiry of Counsel

(1) Related cases now pending in this Court:

- *James Dondero v. Highland Capital Management L.P.*, No. 22-10889: oral argument held on September 6, 2023
- *The Charitable DAF Fund, L.P., et al. v. Highland Capital Management, L.P.*, No. 22-11036: oral argument held on September 5, 2023
- *NexPoint Advisors LP, et al. vs. Highland Capital Management, L.P.*, Case No. 23-10534: briefing ongoing
- *NexPoint Asset Management, L.P., formerly known as Highland Capital Management Fund Advisors, L.P., et al. v. Highland Capital Management, L.P.*, No. 23-10911

(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) **with respect to appeal of Order Denying Arbitration Request and Related Relief**: stayed pending resolution of Consolidated Notes Litigation
- *The Charitable DAF Fund, L.P., et al. v. Highland Capital Management, L.P.*, Northern District of Texas, No. 3:21-cv-1585: case abated and administratively closed pending resolution of *The Charitable DAF Fund, L.P., et al. v. Highland Capital Management, L.P.*, No. 22-11036
- *Highland Capital Management Fund Advisors, L.P., et al. vs. Highland Capital Management, L.P.*, Northern District of Texas, No. 3:22-cv-02170:

fully briefed on April 3, 2023; administratively closed until at least 11/05/2023

- *Dondero et al. v. Jernigan*, Case No. 3:23-cv-00726: Petition For Writ of Mandamus pending
- *Charitable DAF Fund LP, et al. vs. Highland Capital Management L.P.*, Case No. 3:23-cv-01503: notice of appeal docketed 7/6/23
- *Hunter Mountain Investment Trust vs. Highland Capital Management L.P., et al.*, Case No. 3:23-cv-02071: amended notice of appeal docketed 9/15/23