



United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 4, 2024

Lyle W. Cayce
Clerk

Certified as a true copy and issued
as the mandate on Apr 26, 2024

Attest: *Lyle W. Cayce*
Clerk, U.S. Court of Appeals, Fifth Circuit

No. 22-11036

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,

versus

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Appellee,

IN THE MATTER OF HIGHLAND CAPITAL MANAGEMENT, L.P.,

Debtor,

JAMES DONDERO,

Appellant,

versus

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Appellee.



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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:21-CV-1974
USDC No. 3:21-CV-1979

Before DENNIS, ENGELHARDT, and OLDHAM, *Circuit Judges*.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is VACATED, and the cause is REMANDED to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that appellee pay to appellants the costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. *See* FED. R. APP. P. 41(b). The court may shorten or extend the time by order. *See* 5TH CIR. R. 41 I.O.P.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

April 26, 2024

Ms. Karen S. Mitchell
Northern District of Texas, Dallas
United States District Court
1100 Commerce Street
Earle Cabell Federal Building
Room 1452
Dallas, TX 75242

No. 22-11036 Charitable DAF Fund v. Highland Captl Mgmt
USDC No. 3:21-CV-1974
USDC No. 3:21-CV-1979

Dear Ms. Mitchell,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Renee S. McDonough, Deputy Clerk
504-310-7673

cc:

Mr. Zachery Z. Annable
Mr. Jonathan Bridges
Mr. Joseph Carl Cecere Jr.
Mr. Gregory Vincent Demo
Mr. Roy Theodore Englert Jr.
Mr. Brian Field
Ms. Shikha Garg
Mr. Aaron Scott Gordon
Ms. Melissa Sue Hayward
Mr. Erik Scott Jaffe
Mr. Jeffrey Scott Levinger
Mr. Matthew Michael Madden
Mr. John A. Morris
Mr. Jeffrey N. Pomerantz

Mr. Mazin Ahmad Sbaiti