



**DECLARATION OF DEBORAH DEITSCH-PEREZ  
IN SUPPORT OF DEFENDANTS' RESPONSE TO HIGHLAND'S  
REQUEST TO TAKE JUDICIAL NOTICE OF CERTAIN DECISIONS**

Deborah Deitsch-Perez, pursuant to 28 U.S.C. § 1746(a), under penalty of perjury, declares as follows:

1. I am a member of the law firm of Stinson LLP, counsel to Defendants James Dondero, NexPoint Asset Advisors, Inc., NexPoint Advisors, L.P., Highland Capital Management Services, Inc., NexPoint Real Estate Partners, LLC, and The Dugaboy Investment Trust, and I submit this Declaration in Support of Defendants' Response to Highland's Request to Take Judicial Notice of Certain Decisions, which is being filed concurrently with this declaration. I submit this declaration based on my personal knowledge and the documents cited below.

2. Attached as Exhibit 1 is a true and correct copy of an email chain between counsel dated March 12, 2024 through March 14, 2024.

Dated: May 8, 2024

/s/Deborah Deitsch-Perez  
Deborah Deitsch-Perez

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on May 8, 2024, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on all parties who are registered to receive notices in this case.

/s/ Deborah Deitsch-Perez  
Deborah Deitsch-Perez

# **EXHIBIT 1**

**From:** Deitsch-Perez, Deborah R.  
**Sent:** Thursday, March 14, 2024 2:14 PM  
**To:** John A. Morris  
**Cc:** Jeff Pomerantz; Gregory V. Demo; Hayley R. Winograd; Amy L Ruhland; Aigen, Michael P.  
**Subject:** RE: Highland: Meet and Confer to Further Supplement the Record on Vexatious Litigant Motion

John, We have been grappling with this, but it raises more difficult issues than your emails suggest. The Decision that you seek to add to the record is filled with mistakes. I understand that a motion to reconsider it will be made, and obviously, an appeal if necessary. For that reason it is not appropriate for you to add it to the record. Thanks, Deborah

-----Original Message-----

From: John A. Morris <jmorris@pszjlaw.com>  
Sent: Tuesday, March 12, 2024 6:28 PM  
To: Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>; Aigen, Michael P. <michael.aigen@stinson.com>  
Cc: Jeff Pomerantz <jpomerantz@pszjlaw.com>; Gregory V. Demo <GDemo@pszjlaw.com>; Hayley R. Winograd <hwinograd@pszjlaw.com>  
Subject: RE: Highland: Meet and Confer to Further Supplement the Record on Vexatious Litigant Motion

You won't have to note it in the response. I will state in the Certificate of Conference that you couldn't respond in 2.5 business days. Hopefully, that won't be necessary.

-----Original Message-----

From: Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com>  
Sent: Tuesday, March 12, 2024 5:23 PM  
To: John A. Morris <jmorris@pszjlaw.com>; Aigen, Michael P. <michael.aigen@stinson.com>  
Cc: Jeff Pomerantz <jpomerantz@pszjlaw.com>; Gregory V. Demo <GDemo@pszjlaw.com>; Hayley R. Winograd <hwinograd@pszjlaw.com>  
Subject: Re: Highland: Meet and Confer to Further Supplement the Record on Vexatious Litigant Motion

I am pretty sure I can respond by the end of the day tomorrow. If you refuse to wait, I'll note that in response. I have no idea about and am not responsible for whatever time constraints Sawnie had.

From: "John A. Morris" <jmorris@pszjlaw.com<mailto:jmorris@pszjlaw.com>>  
Subject: Highland: Meet and Confer to Further Supplement the Record on Vexatious Litigant Motion  
Date: 12 March 2024 18:13  
To: "Deitsch-Perez, Deborah R." <deborah.deitschperez@stinson.com<mailto:deborah.deitschperez@stinson.com>>, "Aigen, Michael P." <michael.aigen@stinson.com<mailto:michael.aigen@stinson.com>>  
Cc: "Jeff Pomerantz" <jpomerantz@pszjlaw.com<mailto:jpomerantz@pszjlaw.com>>, "Gregory V. Demo" <GDemo@pszjlaw.com<mailto:GDemo@pszjlaw.com>>, "Hayley R. Winograd" <hwinograd@pszjlaw.com<mailto:hwinograd@pszjlaw.com>>

Deborah,

This concerns only HCRE and therefore only Jim Dondero.

We're going to file by noon on Wednesday if we haven't heard from you. Two and a half days is more than enough.

Note that we were given one business day by Sawnie yesterday to respond to his requests and we met his deadline. Further, I am on vacation with my family this week. This isn't heavy lifting.

If you haven't responded when we file, and your client decides not to oppose, you can make that known.

Thanks,

John  
John A. Morris  
Pachulski Stang Ziehl & Jones LLP  
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From: Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com<mailto:deborah.deitschperez@stinson.com>>  
Sent: Tuesday, March 12, 2024 3:08 PM  
To: John A. Morris <jmorris@pszjlaw.com<mailto:jmorris@pszjlaw.com>>; Aigen, Michael P.  
<michael.aigen@stinson.com<mailto:michael.aigen@stinson.com>>  
Cc: Jeff Pomerantz <jpomerantz@pszjlaw.com<mailto:jpomerantz@pszjlaw.com>>; Gregory V. Demo  
<GDemo@pszjlaw.com<mailto:GDemo@pszjlaw.com>>; Hayley R. Winograd  
<hwinograd@pszjlaw.com<mailto:hwinograd@pszjlaw.com>>  
Subject: RE: Highland: Meet and Confer to Further Supplement the Record on Vexatious Litigant Motion

It may take a couple days to get back to you. Spring breaks.

Deborah R. Deitsch-Perez  
Partner

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From: John A. Morris <jmorris@pszjlaw.com<mailto:jmorris@pszjlaw.com>>

Sent: Tuesday, March 12, 2024 10:54 AM

To: Deitsch-Perez, Deborah R. <deborah.deitschperez@stinson.com<mailto:deborah.deitschperez@stinson.com>>;

Aigen, Michael P. <michael.aigen@stinson.com<mailto:michael.aigen@stinson.com>>

Cc: Jeff Pomerantz <jpomerantz@pszjlaw.com<mailto:jpomerantz@pszjlaw.com>>; Gregory V. Demo <GDemo@pszjlaw.com<mailto:GDemo@pszjlaw.com>>; Hayley R. Winograd <hwinograd@pszjlaw.com<mailto:hwinograd@pszjlaw.com>>

<hwinograd@pszjlaw.com<mailto:hwinograd@pszjlaw.com>>

Subject: Highland: Meet and Confer to Further Supplement the Record on Vexatious Litigant Motion

External Email – Use Caution

Deborah,

In the objection you filed in opposition to HCMLP's Vexatious Litigant Motion, your clients addressed the litigation concerning HCRE's proof of claim, including HCMLP's motion for a "bad faith finding." See Docket No. 173 at 16-17.

Attached is the Bankruptcy Court's decision on HCMLP's motion that was entered last week (the "Decision"). For what should be obvious reasons, including that it directly responds to your opposition, we believe the Decision should be considered by Judge Starr.

Please let us know if your clients will:

- \* Stipulate that the Decision shall be added to the Appendix for the Court's consideration (if your clients agree, we wouldn't provide any commentary other than to report the development); or
- \* Oppose a motion for leave to Supplement the Appendix to add the Decision (if we file a motion, we will provide context for the Decision).

Regards,

John

John A. Morris

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