

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

<p>In re:</p> <p>HIGHLAND CAPITAL MANAGEMENT, L.P.,¹</p> <p>Reorganized Debtor.</p> <hr/> <p>OFFICIAL COMMITTEE OF UNSECURED CREDITORS,</p> <p>Plaintiff,</p> <p>v.</p> <p>CLO HOLDCO, LTD., CHARITABLE DAF HOLDCO, LTD., CHARITABLE DAF FUND, LP, HIGHLAND DALLAS FOUNDATION, INC., THE DUGABOY INVESTMENT TRUST, GRANT JAMES SCOTT III IN HIS INDIVIDUAL CAPACITY, AS TRUSTEE OF THE DUGABOY INVESTMENT TRUST, AND AS TRUSTEE OF THE GET GOOD NONEXEMPT TRUST, AND JAMES D. DONDERO,</p> <p>Defendants.</p>
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Chapter 11
Case No. 19-34054-sgj11

Civil Case No. 3:21-CV-01174-S

UNOPPOSED NOTICE OF MOOTNESS

Marc S. Kirschner, as Litigation Trustee of the Litigation Sub-Trust established pursuant to the Fifth Amended Plan of Reorganization of Highland Capital Management L.P. [Bankruptcy Case, Dkt. No. 1472] (the “Plan”), which is substituted as plaintiff pursuant to the Plan (the “Litigation Trustee”), hereby gives notice that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules

¹ The last four digits of the Reorganized Debtor’s taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor’s headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.



of Civil Procedure, the above-captioned proceeding should be dismissed as moot. In furtherance thereof, the Litigation Trustee states as follows:

The above-captioned proceeding was generated by the filing of a *Motion to Withdraw the Reference* by one of the Defendants, James D. Dondero (the “Dondero Motion to Withdraw the Reference”), in the underlying Adversary Proceeding before the Bankruptcy Court, Adversary No. 20-03195. The Dondero Motion to Withdraw the Reference was filed on May 10, 2021 [Adv. Proc. Dkt. No. 37]. On May 23, 2021, the Dondero Motion to Withdraw the Reference was transmitted to this Court [Adv. Proc. Dkt. No. 61], and this Court opened this Civil Action.

On October 15, 2021, the Litigation Trustee filed with the Bankruptcy Court a Notice of Voluntary Dismissal Without Prejudice [Adv. Proc. Dkt. No. 96] (the “Notice of Dismissal”). In the Notice of Dismissal, the Litigation Trustee voluntarily dismissed the Adversary Proceeding in its entirety without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, made applicable by Rule 7041 of the Federal Rules of Bankruptcy.

Because the Litigation Trustee has voluntarily dismissed the underlying Adversary Proceeding in its entirety, the Dondero Motion to Withdraw the Reference pending in the Adversary Proceeding is moot. Therefore, the Litigation Trustee submits notice that the underlying Civil Action opened upon the transmission of the Dondero Motion to Withdraw Reference should be dismissed as similarly moot. Counsel for the Litigation Trustee conferred with counsel for Defendants, who are unopposed to the relief sought in this Notice.

Dated: May 17, 2024

Respectfully submitted,

/s/ Paige Holden Montgomery

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Counsel for the Litigation Trustee

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on February 28, 2024 and May 16, 2024, the undersigned counsel for the Litigation Trustee conferred via email with counsel for the Defendants regarding the substance of this notice and that counsel for Defendants indicated that they are unopposed to the relief requested herein.

/s/ Aaron M. Lawrence

Aaron M. Lawrence

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail via the Court's ECF system to all parties authorized to receive electronic notice in this case on May 17, 2024.

/s/ Paige Holden Montgomery

Paige Holden Montgomery