



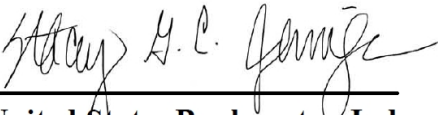
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed May 21, 2024


United States Bankruptcy Judge

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

IN RE: §
§
HIGHLAND CAPITAL MANAGEMENT, L.P., § Chapter 11
§
§ Case No. 19-34054-sgj-11
Reorganized Debtor. §

**ORDER IN RESPONSE TO DISTRICT COURT'S AND FIFTH CIRCUIT'S REMAND
REGARDING BANKRUPTCY COURT'S AUGUST 4, 2021 SANCTIONS ORDER**

Pursuant to the *Order Remanding to Bankruptcy Court* ("Remand Order"), issued by District Judge Brantley Starr on May 6, 2024, which related to the ruling and mandate of the Fifth Circuit in *The Charitable DAF Fund L.P. et al. v. Highland Capital Management, L.P.*, No. 22-11036, Dkt. No. 131-1, at 10 (5th Cir. Apr. 4, 2024) and Dkt. No. 140-2 (5th Cir. Apr. 26, 2024), respectively, regarding the bankruptcy court's *Memorandum Opinion and Order Holding Certain Parties and Their Attorneys in Civil Contempt of Court for Violation of Bankruptcy Court Orders* ("Sanctions Order") entered on the bankruptcy court docket in the main bankruptcy case on August 4, 2021, at docket number 2660, the bankruptcy court will follow the Fifth Circuit's instruction "to



limit any sanction award to the damages Highland suffered because DAF filed the Motion in the wrong court—*i.e.*, the expenses Highland reasonably incurred in opposing the Motion in district court, less those it would have spent opposing the Motion had it been filed in bankruptcy court.” The bankruptcy court directs the parties to review the Fifth Circuit’s opinion (Doc 131-1, referenced above) for a reminder of the meaning of the defined term “Motion” and its ruling regarding the scope of possible sanction damages. The court also directs the parties to review the Sanctions Order for further context.

The court will set a hearing on the Remand Order at a time mutually convenient for the parties. The Courtroom Deputy will reach out to the parties forthwith to schedule the hearing. Meanwhile,

IT IS ORDERED that

(1) Highland Capital Management, L.P. (“Reorganized Debtor”) shall submit its revised request for sanctions (“Revised Request”), in accordance with the Fifth Circuit’s ruling, on or before 45 days prior to the hearing;

(2) Charitable DAF Fund, L.P. (“DAF”) and CLO Holdco, Ltd. (“CLO Holdco”), Sbaiti & Company, PLLC (including Mazin Sbaiti and Jonathan Bridges), Mark Patrick, and James Dondero (collectively, the “Sanctioned Parties”) shall submit their response (“Response”) to the Revised Request on or before 21 days after the Revised Request is filed; and,

(3) The Reorganized Debtor may submit a reply (“Reply”) to the Response 10 days after their Response is filed. No other brief shall be allowed absent an order from this court granting leave to file such brief.

###END OF ORDER###

United States Bankruptcy Court
Northern District of Texas

In re:
Highland Capital Management, L.P.
Debtor

Case No. 19-34054-sgj
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

Page 1 of 22

Date Rcvd: May 21, 2024

Form ID: pdf012

Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 23, 2024:

Recip ID	Recipient Name and Address
intp	+ James Dondero, c/o D. Michael Lynn, Bonds Ellis Eppich Schafer Jones LLP, 420 Throckmorton Street, Suite 1000 Fort Worth, TX 76102-3727
res	+ Mark Patrick, 301 Main St #1600, Baton Rouge, LA 70801-1200

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 23, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 21, 2024 at the address(es) listed below:

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