

PACHULSKI STANG ZIEHL & JONES LLP
Jeffrey N. Pomerantz (CA Bar No. 143717)
John A. Morris (NY Bar No. 2405397)
Gregory V. Demo (NY Bar No. 5371992)
Hayley R. Winograd (NY Bar No. 5612569)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760
Email: jpomerantz@pszjlaw.com
jmorris@pszjlaw.com
gdemo@pszjlaw.com
hwinograd@pszjlaw.com

-and-

HAYWARD PLLC
Melissa S. Hayward (Texas Bar No. 24044908)
Zachery Z. Annable (Texas Bar No. 24053075)
10501 N. Central Expy., Ste. 106
Dallas, Texas 75231
Telephone: (972) 755-7100
Facsimile: (972) 755-7110
Email: MHayward@HaywardFirm.com
ZAnnable@HaywardFirm.com

Counsel for Highland Capital Management, L.P.

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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj

**STIPULATION CONCERNING THE LITIGATION OF HCMLP'S OBJECTION TO
SCHEDULED CLAIMS 3.65 and 3.66 OF HIGHLAND CLO MANAGEMENT, LTD. [DE
3657] AND RELATED MATTERS [DE # 3695]**

This stipulation (the "Stipulation") is made by and among Highland Capital Management, L.P. ("HCMLP"), the reorganized debtor in the above-referenced bankruptcy case, Highland CLO



Management, Ltd. (“HCLOM”), and Acis Capital Management, L.P. (“Acis”, and together with HCMLP and HCLOM, the “Parties”) by and through their respective undersigned counsel.

RECITALS

WHEREAS, on February 2, 2023, HCMLP filed its *Objection to Scheduled Claims 3.65 and 3.66 of Highland CLO Management, Ltd.* [Docket No. 3657] (the “Objection”);

WHEREAS, on March 21, 2023, the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the “Court”), entered an order approving a scheduling stipulation entered into between HCMLP and HCLOM [Docket No. 3686] (the “Scheduling Order”);

WHEREAS, on March 27, 2023, Acis filed its *Motion to Intervene and Brief in Support* [Docket No. 3695] (the “Acis Intervention Motion”);

WHEREAS, on April 3, 2023, in accordance with the Scheduling Order, HCLOM timely filed its response (and supporting Appendix) to the Objection [Docket Nos. 3715 and 3716], thereby initiating a contested matter under Federal Rule of Bankruptcy Procedure 9014 (the “Contested Matter”, and together with the Acis Intervention Motion, the “Litigated Matters”);

WHEREAS, on April 3, 2023, in accordance with the Scheduling Order, Acis timely filed its response to the Objection [Docket No. 3717] (the “Acis Response”);

WHEREAS, on April 10, 2023, Acis and HCLOM filed a stipulation extending HCLOM’s time to respond to the Acis Intervention Motion and fixing Acis’ time to file a reply [Docket No. 3732];

WHEREAS, on April 10, 2023, in accordance with the Scheduling Order, HCMLP timely filed an omnibus reply in further support of its Objection [Docket No. 3733];

WHEREAS, on April 13, 2023, the Court entered an order staying the Litigated Matters in accordance with the Parties’ stipulation [Docket No. 3736] (the “Stay Order”);

WHEREAS, HCMLP previously provided Notice (as defined in the Stay Order) to HCLOM and Acis of its intent to resume the Litigated Matters; and

WHEREAS, subject to the Court's approval, the Parties have conferred in good faith to establish a schedule for the adjudication of the Litigated Matters.

NOW, WHEREFORE, IT IS HEREBY JOINTLY STIPULATED AND AGREED as follows:

1. Acis Intervention Motion. With respect to the Acis Intervention Motion, (a) HCMLP does not oppose the Acis Intervention Motion; (b) HCLOM shall serve and file its objection, if any, to the Acis Intervention Motion on or before June 7, 2024; (c) Acis shall serve and file its reply, if any, on or before June 28, 2024; and (d) the Acis Intervention Motion shall be argued before the Court on July 10, 2024, at 1:30 p.m. Central Time via Webex.
2. Contested Matter. With respect to the Contested Matter, the Parties shall (a) serve all written discovery (*i.e.*, document requests, interrogatories, and requests for admissions (limited to ten (10) of each by each Party, the "Written Requests")) seven (7) days after the Order Date;¹ (b) serve written responses and objections to the Written Requests, and be substantially complete with document production, 35 days after the Order Date; (c) serve up to two (2) deposition notices (including deposition notices issued pursuant to Fed. R. Civ. P. 30(b)(6)) 42 days after the Order Date; (d) complete discovery (including all depositions) 70 days after the Order Date;² and (e) seek a mutually-

¹ "Order Date" means the date on which the Court enters an order resolving the Acis Intervention Motion, even if such order is subject to a motion for reconsideration, appeal, or other review.

² The Parties do not currently expect to proffer expert testimony or opinions pursuant to Fed. R. Civ. P. 26(a)(2) but reserve the right to seek an amendment of this Stipulation.

agreeable date from the Court for a one-day evidentiary hearing that is no earlier than 77 days from the Order Date.

3. The schedule set forth herein shall not be subject to change except by written agreement among the Parties or upon entry of an order by the Court entered after reasonable notice and a showing of good cause.

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Dated: June 7, 2024

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No. 143717)
John A. Morris (NY Bar No. 2405397)
Gregory V. Demo (NY Bar No. 5371992)
Hayley R. Winograd (NY Bar No. 5612569)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760
Email: jpomerantz@pszjlaw.com
jmorris@pszjlaw.com
gdemo@pszjlaw.com
hwinograd@pszjlaw.com

-and-

HAYWARD PLLC

/s/ Melissa S. Hayward

Melissa S. Hayward (Texas Bar No. 24044908)
Zachery Z. Annable (Texas Bar No. 24053075)
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Telephone: (972) 755-7100
Facsimile: (972) 755-7110
Email: MHayward@HaywardFirm.com
ZAnnable@HaywardFirm.com

Counsel for Highland Capital Management, L.P.

AHMAD, ZAVITSANOS & MENSING PLLC

/s/ Shawn Bates

Joseph Y. Ahmad
Texas Bar No. 00941100
Shawn M. Bates
Texas Bar No. 24027287
Alex Dvorscak
Texas Bar No. 24120461
Thomas Cooke
Texas Bar No. 24124818
1221 McKinney St. Suite 2500
Houston, Texas 77010
(713) 655-1101 Telephone
(713) 655-0062 Facsimile
joeahmad@azalaw.com
sbates@azalaw.com
advorscak@azalaw.com

COUNSEL FOR ACIS CAPITAL MANAGEMENT, L.P.

STINSON LLP

By: /s/ Michael P. Aigen

Deborah Deitsch-Perez (Texas Bar No. 24036072)
Michael P. Aigen (Texas Bar No. 24012196)
2200 Ross Avenue, Suite 2900
Dallas, Texas 75201
Telephone: (214) 560-2201
Facsimile: (214) 560-2203
Email: deborah.deitschperez@stinson.com
michael.aigen@stinson.com

Counsel for Highland CLO Management, LTD.