

Case No. 24-10267

---

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

In the Matter of Highland Capital Management, L.P.,  
Debtor.

---

NexPoint Advisors, L.P.; Highland Capital Management Fund Advisors, L.P.,  
Appellants,

v.

Highland Capital Management, L.P.,  
Appellee.

---

**APPELLANTS' UNOPPOSED MOTION TO EXCEED PAGE  
LIMITATION FOR OPTIONAL MATERIALS IN RECORD EXCERPTS**

---

TO THE HONORABLE COURT:

COME NOW NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P. (the "Appellants"), and file their *Appellants' Unopposed Motion to Exceed Page Limitation for Optional Materials in Record Excerpts*, respectfully stating as follows:

On June 18, 2024, the Appellants filed their principal brief and record excerpts (Dkt. Nos. 39, 40). As the Clerk indicated in correspondence dated June 19, 2024, the optional materials the Appellants included in the record excerpts exceed the 40-page limit by six pages. *See* 5th Cir. R. 30.1.6.



Those optional materials consist of the four contracts that largely govern this dispute. The Appellants refer to them throughout their brief, and they expect the appellee will too. The Appellants therefore included the contracts in the record excerpts for the Court's ease of reference.

Accordingly, the Appellants respectfully request that the Court grant leave for the record excerpts, including the extra six pages of optional materials, to be accepted as filed.

RESPECTFULLY SUBMITTED this 22nd day of June, 2024.

**MUNSCH HARDT KOPF & HARR, P.C.**

By: /s/ Julian P. Vasek

Davor Rukavina, Esq.  
Texas Bar No. 24030781  
Julian P. Vasek, Esq.  
Texas Bar No. 24070790  
500 N. Akard St., Ste. 4000  
Dallas, Texas 75201-6659  
Telephone: (214) 855-7500  
Facsimile: (214) 855-7584  
Email: [drukavina@munsch.com](mailto:drukavina@munsch.com)  
Email: [jvasek@munsch.com](mailto:jvasek@munsch.com)

**ATTORNEYS FOR NEXPOINT  
ADVISORS, L.P. AND HIGHLAND  
CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.**

### **CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that he discussed the relief requested herein with John Morris, Esq., counsel of record for Highland Capital Management, L.P., the appellee, and Mr. Morris informed the undersigned that the appellee does not oppose said relief.

By: /s/ Julian P. Vasek

Julian P. Vasek, Esq.

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on this the 22nd day of June, 2024, a true and a correct copy of the foregoing document was served on the counsel of record listed below via electronic service.

- Mr. Zachery Z. Annable: [zannable@haywardfirm.com](mailto:zannable@haywardfirm.com)
- Mr. Gregory Vincent Demo: [gdemo@pszjlaw.com](mailto:gdemo@pszjlaw.com), [lcanty@pszjlaw.com](mailto:lcanty@pszjlaw.com)
- Ms. Melissa Sue Hayward: [mhayward@haywardfirm.com](mailto:mhayward@haywardfirm.com)
- Mr. John A. Morris: [jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com), [lcanty@pszjlaw.com](mailto:lcanty@pszjlaw.com)
- Mr. Jeffrey N. Pomerantz: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)
- Mr. Davor Rukavina: [drukavina@munsch.com](mailto:drukavina@munsch.com)
- Mr. Julian Preston Vasek: [jvasek@munsch.com](mailto:jvasek@munsch.com), [hvalentine@munsch.com](mailto:hvalentine@munsch.com),  
[courtmail@munsch.com](mailto:courtmail@munsch.com)
- Ms. Hayley R. Winograd: [hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com), [lcanty@pszjlaw.com](mailto:lcanty@pszjlaw.com)

By: /s/ Julian P. Vasek

Julian P. Vasek, Esq.