

STINSON LLP
Deborah Deitsch-Perez
Michael P. Aigen
2200 Ross Avenue, Suite 2900
Dallas, Texas 75201
Telephone: (214) 560-2201
Facsimile: (214) 560-2203
Email: deborah.deitschperez@stinson.com
Email: michael.aigen@stinson.com

Counsel for Hunter Mountain Investment Trust

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

| | | |
|-------------------------------------------|---------------------------------|------------------------------|
| In re: | § § § § § § § | Chapter 11 |
| HIGHLAND CAPITAL MANAGEMENT, L.P., | | Case No. 19-34054-sgj |
| Reorganized Debtor. | | |

**NOTICE OF APPEAL OF “ORDER
EXTENDING STAY OF CONTESTED MATTER
[DOCKET NO. 4000]” [DKT 4104] BY RIGHT**

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

Hunter Mountain Investment Trust

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding:

- Plaintiff
- Defendant
- Other (describe)

For appeals in a bankruptcy case and not in an adversary proceeding:

- Debtor
- Creditor
- Trustee
- Other (describe)

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:



DKT 4104 - ORDER EXTENDING STAY OF CONTESTED MATTER [DOCKET NO. 4000]¹

A true and correct copy of the Order is attached hereto as Exhibit A.

2. State the date on which the judgment, order, or decree was entered: signed June 22, 2024 and filed June 24, 2024 [Dkt. No. 4104]

3. Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys:

1. *Party/Appellee*: Highland Capital Management, L.P.

Attorney:

PACHULSKI STANG ZIEHL & JONES LLP

Jeffery N. Pomerantz

John A. Morris

Gregory V. Demo

Hayley R. Winograd

10100 Santa Monica Blvd., 13th Floor

Los Angeles, CA 90067

T: (310) 277-6910

F: (212) 561-7777

And

Hayward & Associates PLLC

Melissa S. Hayward

Zachery Z. Annable

10501 N. Central Expy. Ste. 106

Dallas, TX 75231

T: (972) 755-7100

F: (972) 755-7110

2. *Party/Appellee*: James P. Seery, Jr.

Attorneys:

WILLKIE FARR & GALLAGHER LLP

Mark T. Stancil

Joshua S. Levy

1875 K Street, N.W.

Washington, D.C. 20006

¹ Given the lack of clarity in the law about the appropriate mechanism for obtaining review, Hunter Mountain is filing a Notice of Appeal by Right and a Notice of Appeal by Leave (along with a motion for leave to file an interlocutory appeal) and a petition for writ of mandamus (which will be filed shortly thereafter).

(202) 303-1000
mstancil@willkie.com
jlevy@willkie.com

and

REED SMITH LLP
Omar J. Alaniz
Texas Bar No. 24040402
Lindsey L. Robin
Texas Bar No. 24091422
2850 N. Harwood St., Ste. 1500
Dallas, Texas 75201
(469) 680-4292

2. *Party/Appellant*: Hunter Mountain Investment Trust

Attorney:

STINSON LLP

Deborah Deitsch-Perez
TX Bar No. 24036072
Michael P. Aigen
TX Bar No. 24012196
2200 Ross Avenue, Suite 2900
Dallas, TX 75201
T: 214.560.2201
F: 214.560.2203
Email: deborah.detschperez@stinson.com
Email: michael.aigen@stinson.com

Dated: July 8, 2024

STINSON LLP

/s/Deborah Deitsch-Perez
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
Email: michael.aigen@stinson.com

Counsel for Hunter Mountain Investment Trust

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 8, 2024, a true and correct copy of this document was served electronically via the Court's CM/ECF system to the parties registered or otherwise entitled to receive electronic notices in this case.

/s/Deborah Deitsch-Perez _____

Deborah Deitsch-Perez

EXHIBIT A



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 June 22, 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.,

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj

**ORDER EXTENDING STAY OF CONTESTED MATTER
[DOCKET NO. 4000]**

Having considered (a) *Highland's Motion to Stay Contested Matter [Dkt No. 4000] or for Alternative Relief [Docket No. 4013]* (the "Motion"),¹ filed by Highland Capital Management, L.P. ("HCMLP"), the reorganized debtor in the above-referenced bankruptcy case, and the Highland Claimant Trust (the "Trust," and together with HCMLP, "Highland"); (b) *James P. Seery, Jr.'s Joinder to Highland Capital Management, L.P.'s Motion to Stay Contested Matter [Dkt No. 4000] or for Alternative Relief and Emergency Motion to Expedite Hearing on Motion*

¹ Capitalized terms not defined herein shall take on the meaning ascribed to them in the Motion.



for Stay [Docket No. 4019], filed by James P. Seery, Jr.; (c) *Hunter Mountain Investment Trust's Response in Opposition to Highland's Motion to Stay Contested Matter [Dkt No. 4000]* or for *Alternative Relief* [Docket No. 4022], filed by Hunter Mountain Investment Trust ("HMIT")"; (d) *Hunter Mountain Investment Trust's Supplement to Response to Motion to Stay* [Docket No. 4087], filed by HMIT; (e) the arguments heard at the hearing on the Motion on June 12, 2024 (the "Hearing"); and (f) all prior proceedings relating to this matter, including (i) the *Order Granting in Part Highland's Motion to Stay Contested Matter* [Docket No. 4033] (the "First Stay Order"), pursuant to which all proceedings in connection with the *Motion for Leave to File a Delaware Complaint* [Docket No. 4000] (the "Motion for Leave") were stayed (the "Stay") until the Court issued an order determining *The Highland Parties' Motion to Dismiss Complaint to (I) Compel Disclosures About the Assets of the Highland Claimant Trust and (II) Determine (A) Relative Value of those Assets, and (B) Nature of Plaintiffs' Interests in the Claimant Trust* [Adv. Proc. 23-03038-sgj, Docket No. 13]; (ii) the Court's *Memorandum Opinion and Order Granting Motion to Dismiss Adversary Proceeding in Which Contingent Interest Holders in Chapter 11 Plan Trust Seek a Post-Confirmation Valuation of Trust Assets* [*id.* at Docket No. 27] (the "Dismissal Order"); (iii) HMIT's pending appeal of the Dismissal Order [*id.* at Docket No. 30] (the "Dismissal Appeal"); and (iv) HMIT's pending appeal of the Court's *Memorandum Opinion and Order Pursuant to Plan "Gatekeeper Provision" and Pre-Confirmation "Gatekeeper Orders": Denying Hunter Mountain Investment Trust's Emergency Motion for Leave to File Verified Adversary Proceeding* [Docket No. 3903] (the "Order Denying Leave"), [*see* Case 3:23-cv-02071-E] (the "Appeal of Order Denying Leave," and together with the Dismissal Appeal, the "Appeals"); and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this Court having found that venue of this proceeding and the Motion in this District is proper pursuant

to 28 U.S.C. § 1409; and this Court having found that Highland’s notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and that no other notice need be provided; and, this Court having determined that the legal and factual bases set forth in the Motion establish good cause for the relief granted herein for the reasons set forth on the record during the Hearing; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Stay is hereby extended until a court of competent jurisdiction enters final, non-appealable orders resolving the Appeals (the “Resolution Orders”);
2. HMIT is directed to seek a further status conference in connection with the Motion for Leave within ten (10) days of the entry of the Resolution Orders;
3. The Court shall retain exclusive jurisdiction with respect to all matters arising from or relating to the implementation, interpretation, and enforcement of this Order.

###End of Order###