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Counsel for Hunter Mountain Investment Trust

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

<i>In re</i>	§	
	§	Chapter 11
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	Case No. 19-34054-sgj11
	§	
Reorganized Debtor. ¹	§	
	§	

HUNTER MOUNTAIN INVESTMENT TRUST’S RESPONSE TO HIGHLAND CLAIMANT TRUST’S MOTION FOR AN ORDER EXTENDING DURATION OF TRUST

Hunter Mountain Investment Trust (“HMIT”) hereby responds to the motion of the Highland Claimant Trust (“Claimant Trust”), formed under the confirmed and effective Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (As Modified) [Dkt. 1808] (“Plan”), for entry of an order extending the duration of the Claimant Trust for one year (the “Motion”) [Dkt. 4100].²

1. Counsel for the Claimant Trust filed the Motion without conferencing with HMIT or, it seems, any other party. If it had done so, a stipulation surely could have been reached. Instead,

¹ The *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P., (As Modified)* [Dkt. 1808] (“*Plan*”), filed by Highland Capital Management, L.P. (“*HCMLP*”) became effective on August 11, 2021 (the “*Effective Date*”).

² HMIT reserves the right to separately and timely respond to Highland Claimant Trust’s Amended Motion for an Order Extending Duration of Trusts [Dkt. 4109].



counsel is using the current Motion as a strategic opportunity to gratuitously bash former equity and others and, of course, to incur additional fees.

2. HMIT recognizes that an extension is necessary because there are still funds that have not been distributed and assets that have not been monetized necessitating the continuing existence of a vehicle to hold the funds and assets that are later monetized. But HMIT also submits that the Motion fails to provide any financial data to support the Motion other than conclusory, unsupported references to litigation.

3. HMIT therefore does not object to extending the life of the Claimant Trust for a year, but responds to make it clear that it continues to maintain (and does not waive any argument), among other things, that: (i) counsel that filed the Motion has conflicts of interest and is charging unnecessary fees; (ii) the indemnity fund that has been set aside is excessive; (iii) that creditors should be paid in full now; (iv) that Mr. Seery should not continue to be paid \$150,000 a month; (v) that HMIT is entitled to distributions; and (vi) and that this case should be resolved.

Respectfully submitted,

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/s/ Deborah Deitsch-Perez

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 10, 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