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Counsel for Highland Capital Management, L.P. and the Highland Claimant Trust

Counsel for James P. Seery, Jr.

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

<p>In re:</p> <p>HIGHLAND CAPITAL MANAGEMENT, L.P.,¹</p> <p>Reorganized Debtor.</p>	<p>Chapter 11</p> <p>Case No. 19-34054-sgj11</p>
<p>HUNTER MOUNTAIN INVESTMENT TRUST,</p> <p>Appellant,</p> <p>v.</p> <p>HIGHLAND CAPITAL MANAGEMENT, L.P. and JAMES P. SEERY, JR.,</p> <p>Appellees.</p>	<p>Civil Case No. 3:24-cv-01786-L</p>

THE HIGHLAND PARTIES' RESPONSE AND RESERVATION OF RIGHTS IN CONNECTION WITH THE COURT'S ORDER ISSUED ON JULY 25, 2024 [DKT. 11]

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (8357). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



Highland Capital Management, L.P. (“HCMLP”), the reorganized debtor in the above-referenced bankruptcy case, the Highland Claimant Trust (the “Claimant Trust”; together with HCMLP, “Highland”), and James P. Seery, Jr., HCMLP’s Chief Executive Officer and the Trustee of the Claimant Trust (“Mr. Seery”; together with Highland, the “Highland Parties”), by and through their undersigned counsel, hereby file this response and reservation of rights (the “Response”) in connection with the Court’s order issued on July 25, 2024 [Docket No. 11] (the “Order”). In support of their Response, the Highland Parties state as follows:

RESPONSE AND RESERVATION OF RIGHTS²

1. The Highland Parties appreciate the issuance of the Court’s Order and the bases for it (*i.e.*, “[b]oth cases involve an appeal of the same bankruptcy court order, the same parties, and the same counsel.”)

2. The Highland Parties have no objection to the consolidation of Civil Action No. 3:24-cv-1786-L (Appellant’s purported appeal “as of right” (the “Purported Appeal”) of a stay order issued by the Bankruptcy Court (the “Stay Order”) with Civil Action No. 3:24-cv-1787-L (Appellant’s motion for leave to appeal the same interlocutory Stay Order (the “Motion”), on the assumptions (the “Assumptions”) that (a) Appellant’s reply in further support of the Motion will be the last pleading filed before a decision is rendered on the Motion and (b) briefing on the Purported Appeal will be suspended pending further order of the Court.

3. If the Assumptions are inaccurate or incorrect, the Highland Parties respectfully request that the Court set a status conference to discuss the procedures for litigating the Purported Appeal and the Motion.

² Capitalized terms not defined above or in this Preliminary Statement have the meanings ascribed to them below.

4. The Highland Parties otherwise reserve all rights to respond.

Dated: August 1, 2024

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