

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 16, 2024

Lyle W. Cayce
Clerk

No. 23-10911

IN THE MATTER OF HIGHLAND CAPITAL MANAGEMENT, L.P.

Debtor,

HIGHLAND CAPITAL MANAGEMENT, ,

Appellee,

versus

NEXPOINT ASSET MANAGEMENT, L.P., *formerly known as*
HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.;
NEXPOINT ADVISORS, L.P.; NEXPOINT REAL ESTATE
PARTNERS, L.L.C., *formerly known as* HCRE PARTNERS L.L.C.;
HIGHLAND CAPITAL MANAGEMENT SERVICES, INCORPORATED;
JAMES DONDERO,

Appellants,

IN THE MATTER OF HIGHLAND CAPITAL MANAGEMENT, L.P.

Debtor,

JAMES D. DONDERO;

Appellant,

versus



193405424101700000000002

No. 23-10911
c/w No. 23-10921

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Appellee,

CONSOLIDATED WITH

No. 23-10921

IN THE MATTER OF HIGHLAND CAPITAL MANAGEMENT, L.P.

Debtor,

HIGHLAND CAPITAL MANAGEMENT, ,

Appellee,

versus

NEXPOINT ASSET MANAGEMENT, L.P., *formerly known as*
HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.,

Appellant.

Appeal from the United States District Court
for the Northern District of Texas

USDC No. 3:21-CV-881

USDC No. 3:21-CV-880

USDC No. 3:21-CV-1010

USDC No. 3:21-CV-1378

USDC No. 3:21-CV-1379

USDC No. 3:21-CV-3160

No. 23-10911
c/w No. 23-10921

USDC No. 3:21-CV-3162
USDC No. 3:21-CV-3179
USDC No. 3:21-CV-3207
USDC No. 3:22-CV-789

ON PETITION FOR REHEARING EN BANC

Before ELROD, *Chief Judge*, WIENER, and WILSON, *Circuit Judges*.

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 35 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.

*Judge Irma Carrillo Ramirez did not participate in the consideration of the rehearing en banc.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

October 16, 2024

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-10911 Highland Capital v. NexPoint Asset
USDC No. 3:21-CV-881
USDC No. 3:21-CV-880
USDC No. 3:21-CV-1010
USDC No. 3:21-CV-1378
USDC No. 3:21-CV-1379
USDC No. 3:21-CV-3160
USDC No. 3:21-CV-3162
USDC No. 3:21-CV-3179
USDC No. 3:21-CV-3207
USDC No. 3:22-CV-789

Enclosed is an order entered in this case.

See FRAP and Local Rules 41 for stay of the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Casey A. Sullivan, Deputy Clerk
504-310-7642

Mr. Michael Philip Aigen
Mr. Zachery Z. Annable
Ms. Deborah Rose Deitsch-Perez
Mr. Gregory Vincent Demo
Ms. Melissa Sue Hayward
Mr. John A. Morris
Mr. Jeffrey N. Pomerantz
Mr. Davor Rukavina
Mr. Julian Preston Vasek
Ms. Hayley R. Winograd