



# United States Court of Appeals for the Fifth Circuit

Certified as a true copy and issued  
as the mandate on Nov 05, 2024

Attest: *Lyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

\_\_\_\_\_  
No. 23-10911  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit  
**FILED**  
September 16, 2024  
Lyle W. Cayce  
Clerk

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*

HIGHLAND CAPITAL MANAGEMENT, L.P.,

*Appellee,*

CONSOLIDATED WITH

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No. 23-10921

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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.*

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

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

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

IT IS FURTHER ORDERED that Appellants pay to Appellee the costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.

## 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

November 05, 2024

Ms. Karen S. Mitchell  
Northern District of Texas, Dallas  
United States District Court  
1100 Commerce Street  
Earle Cabell Federal Building  
Room 1452  
Dallas, TX 75242

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

Dear Ms. Mitchell,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



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

cc:

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