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

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

**RESPONSE TO THIS COURT’S ORDER DATED FEBRUARY 4, 2025**



On behalf of Appellee James P. Seery, Jr. (“Seery”), and in accordance with this Court’s February 4, 2025 Order (“Order”), we write to explain “how and when local counsel was designated” in the above-captioned actions. [Case No. 1786 Dkt. No. 28 at 1.] To ensure we comply fully with the Local Civil Rules and this Court’s Order, we will also file “a designation of, and the entry of appearance by, [] local counsel,” and “move this court to be admitted *pro hac vice*.” [*Id.* at 1–2.]

On April 4, 2023, attorneys Omar J. Alaniz (“Alaniz”) and Lindsey L. Robin (“Robin”) of Reed Smith LLP appeared as local counsel for Seery in the underlying bankruptcy action *In re Highland Capital Management, L.P.*, Case No. 19-34054-sgj11 (the “Bankruptcy Action”). [Bankr. Ct. Dkt. No. 3745.] That same day, attorneys Mark T. Stancil (“Stancil”) and Joshua S. Levy (“Levy”) of Willkie Farr & Gallagher LLP moved for admission *pro hac vice* to represent Seery in the Bankruptcy Action, which the Bankruptcy Court granted on April 20, 2023. [Bankr. Ct. Dkt. Nos. 3743–44, 3754–55.]

On January 1, 2024, Hunter Mountain Investment Trust (“HMIT”) filed a motion in the Bankruptcy Action seeking leave to file a Delaware complaint against Seery (the “Motion for Leave”). [Bankr. Ct. Dkt. No. 4000.] On January 31, 2024, the Bankruptcy Court stayed the Motion for Leave and, on June 22, 2024, the Bankruptcy Court extended the stay “until a court of competent jurisdiction entered final, non-appealable orders resolving the Appeals” (the “Stay Order”). [Bankr. Ct. Dkt. No. 4033, 4104.]

On July 12, 2024, HMIT filed a motion for leave to file an interlocutory appeal of the Stay Order [Bankr. Ct. Dkt. Nos. 4115–17], which commenced *Hunter Mountain Investment Trust v. Highland Capital Management, L.P. and James P. Seery, Jr.*, Civil Case No. 3:24-cv-01787-L (“Case No. 1787”) before this Court. That same day, HMIT also filed a notice of appeal of the

Stay Order (without leave to file such an appeal), which commenced *Hunter Mountain Investment Trust v. Highland Capital Management, L.P. and James P. Seery, Jr.*, Civil Case No. 3:24-cv-01786-L (“Case No. 1786”). This Court stated that Case No. 1786 and Case No. 1787 were “related,” because “[b]oth cases involve an appeal of the same bankruptcy court order, the same parties, and the same counsel.” [Case No. 1787 Dkt. No. 11; Case No. 1787 Dkt. No. 16.]

On July 22, 2024, Stancil and Levy moved for admission *pro hac vice* to represent Seery in Case No. 1787, which this Court granted. [Case No. 1787 Dkt Nos. 11–12, 15, 18.] Appellees’ briefing in both Case No. 1786 and Case No. 1787 identified Alaniz and Robin as local counsel for Seery and Stancil and Levy as counsel for Seery. [See, e.g., Case No. 1786 Dkt. No. 17 at 1; Case No. 1787 Dkt. No. 13 at 1.] However, Alaniz and Robin did not file formal notices of appearance and Stancil and Levy did not move for admission *pro hac vice* in related Case No. 1786. To address this oversight, and to ensure that we comply fully with the Local Civil Rules and this Court’s Order, Alaniz and Efrain Vera of Reed Smith LLP will file notices of appearance as local counsel for Seery in Case No. 1786 and Case No. 1787, and Stancil and Levy will move for admission *pro hac vice* in Case No. 1786.

Dated: February 7, 2025

Respectfully submitted,

By: /s/ Mark T. Stancil

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(*pro hac vice* forthcoming)

Joshua S. Levy

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