



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 11, 2024

  
United States Bankruptcy Judge

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

**In re:**

**HIGHLAND CAPITAL MANAGEMENT, L.P.,**

**Reorganized Debtor.**

**Chapter 11**

**Case No. 19-34054-sgj**

**ORDER APPROVING STIPULATION CONCERNING THE LITIGATION OF  
HCMLP'S OBJECTION TO SCHEDULED CLAIMS 3.65 and 3.66 OF HIGHLAND CLO  
MANAGEMENT, LTD. [DE # 3657] AND RELATED MATTERS [DE # 3695]**

Having considered the *Stipulation Concerning the Litigation of HCMLP's Objection to Scheduled Claims 3.65 and 3.66 of Highland CLO Management Ltd. [DE #3657] and Related Matters [DE #3695]* [Docket No. 4078] (the "Stipulation"), a copy of which is attached as Exhibit A, made by and among Highland Capital Management, L.P., the reorganized debtor in the above-



referenced bankruptcy case (“Highland”), Highland Management, Ltd. (“HCLOM”), and Acis Capital Management, L.P. (“Acis”, and together with HCMLP and HCLOM, the “Parties”) by and through their respective counsel, it is **HEREBY ORDERED THAT:**

1. The Stipulation is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of the Stipulation and this Order.

###End of Order###

**EXHIBIT A**

PACHULSKI STANG ZIEHL & JONES LLP  
Jeffrey N. Pomerantz (CA Bar No. 143717)  
John A. Morris (NY Bar No. 2405397)  
Gregory V. Demo (NY Bar No. 5371992)  
Hayley R. Winograd (NY Bar No. 5612569)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760  
Email: jpomerantz@pszjlaw.com  
jmorris@pszjlaw.com  
gdemo@pszjlaw.com  
hwinograd@pszjlaw.com

-and-

HAYWARD PLLC  
Melissa S. Hayward (Texas Bar No. 24044908)  
Zachery Z. Annable (Texas Bar No. 24053075)  
10501 N. Central Expy., Ste. 106  
Dallas, Texas 75231  
Telephone: (972) 755-7100  
Facsimile: (972) 755-7110  
Email: MHayward@HaywardFirm.com  
ZAnnable@HaywardFirm.com

*Counsel for Highland Capital Management, L.P.*

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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj

**STIPULATION CONCERNING THE LITIGATION OF HCMLP'S OBJECTION TO  
SCHEDULED CLAIMS 3.65 and 3.66 OF HIGHLAND CLO MANAGEMENT, LTD. [DE  
# 3657] AND RELATED MATTERS [DE # 3695]**

This stipulation (the "Stipulation") is made by and among Highland Capital Management, L.P. ("HCMLP"), the reorganized debtor in the above-referenced bankruptcy case, Highland CLO

Management, Ltd. (“HCLOM”), and Acis Capital Management, L.P. (“Acis”, and together with HCMLP and HCLOM, the “Parties”) by and through their respective undersigned counsel.

### **RECITALS**

**WHEREAS**, on February 2, 2023, HCMLP filed its *Objection to Scheduled Claims 3.65 and 3.66 of Highland CLO Management, Ltd.* [Docket No. 3657] (the “Objection”);

**WHEREAS**, on March 21, 2023, the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the “Court”), entered an order approving a scheduling stipulation entered into between HCMLP and HCLOM [Docket No. 3686] (the “Scheduling Order”);

**WHEREAS**, on March 27, 2023, Acis filed its *Motion to Intervene and Brief in Support* [Docket No. 3695] (the “Acis Intervention Motion”);

**WHEREAS**, on April 3, 2023, in accordance with the Scheduling Order, HCLOM timely filed its response (and supporting Appendix) to the Objection [Docket Nos. 3715 and 3716], thereby initiating a contested matter under Federal Rule of Bankruptcy Procedure 9014 (the “Contested Matter”, and together with the Acis Intervention Motion, the “Litigated Matters”);

**WHEREAS**, on April 3, 2023, in accordance with the Scheduling Order, Acis timely filed its response to the Objection [Docket No. 3717] (the “Acis Response”);

**WHEREAS**, on April 10, 2023, Acis and HCLOM filed a stipulation extending HCLOM’s time to respond to the Acis Intervention Motion and fixing Acis’ time to file a reply [Docket No. 3732];

**WHEREAS**, on April 10, 2023, in accordance with the Scheduling Order, HCMLP timely filed an omnibus reply in further support of its Objection [Docket No. 3733];

**WHEREAS**, on April 13, 2023, the Court entered an order staying the Litigated Matters in accordance with the Parties’ stipulation [Docket No. 3736] (the “Stay Order”);

**WHEREAS**, HCMLP previously provided Notice (as defined in the Stay Order) to HCLOM and Acis of its intent to resume the Litigated Matters; and

**WHEREAS**, subject to the Court’s approval, the Parties have conferred in good faith to establish a schedule for the adjudication of the Litigated Matters.

**NOW, WHEREFORE, IT IS HEREBY JOINTLY STIPULATED AND AGREED** as follows:

1. Acis Intervention Motion. With respect to the Acis Intervention Motion, (a) HCMLP does not oppose the Acis Intervention Motion; (b) HCLOM shall serve and file its objection, if any, to the Acis Intervention Motion on or before June 7, 2024; (c) Acis shall serve and file its reply, if any, on or before June 28, 2024; and (d) the Acis Intervention Motion shall be argued before the Court on July 10, 2024, at 1:30 p.m. Central Time via Webex.
2. Contested Matter. With respect to the Contested Matter, the Parties shall (a) serve all written discovery (*i.e.*, document requests, interrogatories, and requests for admissions (limited to ten (10) of each by each Party, the “Written Requests”)) seven (7) days after the Order Date;<sup>1</sup> (b) serve written responses and objections to the Written Requests, and be substantially complete with document production, 35 days after the Order Date; (c) serve up to two (2) deposition notices (including deposition notices issued pursuant to Fed. R. Civ. P. 30(b)(6)) 42 days after the Order Date; (d) complete discovery (including all depositions) 70 days after the Order Date;<sup>2</sup> and (e) seek a mutually-

---

<sup>1</sup> “Order Date” means the date on which the Court enters an order resolving the Acis Intervention Motion, even if such order is subject to a motion for reconsideration, appeal, or other review.

<sup>2</sup> The Parties do not currently expect to proffer expert testimony or opinions pursuant to Fed. R. Civ. P. 26(a)(2) but reserve the right to seek an amendment of this Stipulation.

agreeable date from the Court for a one-day evidentiary hearing that is no earlier than 77 days from the Order Date.

3. The schedule set forth herein shall not be subject to change except by written agreement among the Parties or upon entry of an order by the Court entered after reasonable notice and a showing of good cause.

*[Remainder of Page Intentionally Blank]*

Dated: June 7, 2024

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (CA Bar No. 143717)  
John A. Morris (NY Bar No. 2405397)  
Gregory V. Demo (NY Bar No. 5371992)  
Hayley R. Winograd (NY Bar No. 5612569)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760  
Email: jpomerantz@pszjlaw.com  
jmorris@pszjlaw.com  
gdemo@pszjlaw.com  
hwinograd@pszjlaw.com

-and-

**HAYWARD PLLC**

*/s/ Melissa S. Hayward*

---

Melissa S. Hayward (Texas Bar No. 24044908)  
Zachery Z. Annable (Texas Bar No. 24053075)  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Telephone: (972) 755-7100  
Facsimile: (972) 755-7110  
Email: MHayward@HaywardFirm.com  
ZAnnable@HaywardFirm.com

*Counsel for Highland Capital Management, L.P.*



**AHMAD, ZAVITSANOS & MENSING PLLC**

/s/ Shawn Bates

Joseph Y. Ahmad  
Texas Bar No. 00941100  
Shawn M. Bates  
Texas Bar No. 24027287  
Alex Dvorscak  
Texas Bar No. 24120461  
Thomas Cooke  
Texas Bar No. 24124818  
1221 McKinney St. Suite 2500  
Houston, Texas 77010  
(713) 655-1101 Telephone  
(713) 655-0062 Facsimile  
joeahmad@azalaw.com  
sbates@azalaw.com  
advorscak@azalaw.com

**COUNSEL FOR ACIS CAPITAL MANAGEMENT, L.P.**

**STINSON LLP**

By: /s/ Michael P. Aigen

Deborah Deitsch-Perez (Texas Bar No. 24036072)  
Michael P. Aigen (Texas Bar No. 24012196)  
2200 Ross Avenue, Suite 2900  
Dallas, Texas 75201  
Telephone: (214) 560-2201  
Facsimile: (214) 560-2203  
Email: deborah.deitschperez@stinson.com  
michael.aigen@stinson.com

*Counsel for Highland CLO Management, LTD.*