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ATTORNEYS FOR CCS MEDICAL, INC.

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

In re:	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P.,[1]	Case No. 19-34054-sgj11
Debtor.	

CONSOLIDATED OBJECTION OF CCS MEDICAL, INC. TO (I) OFFICIAL COMMITTEE OF UNSECURED CREDITORS' EMERGENCY MOTION TO COMPEL PRODUCTION BY THE DEBTOR AND (II) ALTERNATIVE RELIEF REQUESTED IN DEBTOR'S MOTION FOR ENTRY OF A PROTECTIVE ORDER

CCS Medical, Inc. ("CCS Medical") hereby objects (this "Objection") to the *Official Committee of Unsecured Creditors' Emergency Motion to Compel Production by the Debtor* (Docket No. 808) (the "Motion to Compel") and to the *Debtor's Motion for Entry of*

[1] The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

(I) a Protective Order, or, in the Alternative, (II) an Order Directing the Debtor to Comply With Certain Discovery Demands Tendered by the Official Committee of Unsecured Creditors, Pursuant to Federal Rules of Bankruptcy Procedure 7026 and 7034 (Docket No. 810) (the "Protective Order Motion") to the extent that either motion seeks an order directing the Debtor to comply with the Committee's discovery demands with respect to certain documents more fully described herein.

OBJECTION

1. CCS Medical is a private company with no connection to or financial interest in these cases. Certain funds or other entities related to the Debtor hold debt and/or equity interests in CCS Medical. As a result of these interests, two of the custodians identified by the Committee in the Motion to Compel, Jim Dondero and Trey Parker (collectively, the "CCS Medical Directors"), previously sat on CCS Medical's board of directors. In their capacity as directors of CCS Medical, the CCS Medical Directors routinely received and exchanged privileged, confidential and/or commercially sensitive communications with CCS Medical's counsel, management and other directors (collectively, the "CCS Medical Emails").

2. By the Motion to Compel, the Committee seeks to force the Debtor to produce broad categories of ESI, including all emails held by the CCS Medical Directors, which would necessarily include the CCS Medical Emails. Although these emails are irrelevant to the Committee's investigation of Estate Claims, the Committee seeks them primarily on the grounds that any narrowing of production or relevance review could delay production of relevant ESI and interfere with the Committee's ability to meet deadlines in these cases. See Motion to Compel, at ¶ 9.

3. CCS Medical believes that the CCS Medical Emails are irrelevant to the Estate Claims that the Committee seeks to investigate. On the other hand, production of the CCS Medical Emails held by the CCS Medical Directors would disclose CCS Medical's sensitive commercial and, in many cases, privileged information.

4. CCS Medical attempted to meet and confer with counsel to the Committee on the morning of July 15, 2020. Unfortunately, and almost certainly through no fault of the Committee, the parties were not able to meet and confer before CCS Medical was required to file this Objection in order to protect its rights. CCS Medical intends to make its professionals available to meet and confer with the Committee's professionals before the hearing on the Motion to Compel.

5. In light of its concerns, CCS Medical proposes a simple search protocol to exclude the CCS Medical Emails from any ESI produced, subject to the Committee's right to seek production of any non-privileged CCS Medical Emails in the future based on an appropriate showing, and CCS Medical's right to contest any such effort. CCS Medical requests only that the CCS Medical Director's emails be screened for any communications involving CCS Medical's corporate domain, specified professional firms' corporate domains and individual email addresses used by other members of CCS Medical's board who served contemporaneously with the CCS Medical Directors, which CCS Medical is prepared to provide to the Committee and the Debtor for this limited purpose. This exclusion could be done by Debtor or the Committee's ESI vendor and should not require attorney time or other significant resources. In fact, CCS Medical estimates that it has likely expended greater resources preparing this objection than any party will expend to follow CCS Medical's proposed protocol to protect its privileged materials.

Conclusion

For the foregoing reasons, CCS Medical: (A) objects to the Motion to Compel and the Protective Order Motion to the extent that either motion seeks an order directing the Debtor to produce the CCS Medical Emails; and (B) requests that any order approving the relief requested in the Motion to Compel or otherwise directing the Debtor to produce the ESI, as contemplated in the alternative by the Protective Order Motion, be conditioned upon the Debtor's removal of the CCS Medical Emails according to the proposed protocol.

Dated: July 15, 2020

Respectfully submitted,

/s/ Amanda Rush

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ATTORNEYS FOR CCS MEDICAL, INC.

CERTIFICATE OF SERVICE

I certify that on July 15, 2020, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas.

/s/ Amanda Rush
Amanda Rush