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

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

NOTICE OF APPEARANCE, RESPONSE AND RESERVATION OF RIGHTS

1. BH Equities, L.L.C. ("BH") files this *(I) Notice of Appearance and (II) Response and (B) Reservation of Rights* (the "ROR") to (a) the *Debtor's First Omnibus Objection to Certain (A) Duplicate Claims; (B) Overstated Claims; (C) Late-Filed Claims; (D) Satisfied Claims; (E) No-Liability Claims; and (F) Insufficient Documentation Claims* (the "Objection") [Docket No. 906] filed by Highland Capital Management, LP (the "Debtor"), which Objection objected to the Proof of Claim No. 146 (the "Claim") and to (b) that *Response* (the "Response") [Docket No. 1212] filed by Nexpoint Real Estate Partners LLC, f/k/a HCRE Partners, LLC ("HCREP"), and BH provides notice that it intends to participate in the contested matter initiated by the Objection and Response (the "Contested Matter") as a party in interest under 11 U.S.C. § 1109.

[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.

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2. BH is a party to the SE Multifamily Agreement[2] (as defined in the Response) along with the Debtor and HCREP, and BH is a member of SE Multifamily, LLC (the "Company") also along with the Debtor and HCREP (the Company only has three members). BH has not filed an appearance in this case.

3. BH is not an insider or affiliate of HCREP nor the Debtor.

4. HCREP's Claim "contends that all or a portion of Debtor's equity, ownership, economic rights, equitable or beneficial interests in SE Multifamily does [not] belong to the Debtor or may be the property of Claimant." HCREP's Response states that it seeks "due to mutual mistake, lack of consideration, and/or failure of consideration[,] a claim to reform, rescind and/or modify the agreement." Response at ¶ 5.

5. The Debtors have objected to the Claim. *See* Objection.

6. On December 11, 2020, the Court entered that *Order Approving Stipulation and Pre-Trial Schedule Concerning Proof of Claim No. 146 Filed by HCRE Partners, LLC* providing for a discovery schedule and dispositive motion deadline (the "Scheduling Order") [Docket No. 1568].

7. Pursuant to the Scheduling Order, HCREP and the Debtor have noticed multiple depositions [Docket Nos. 1898, 1965, 1995, 1996, 2118, 2134, 2136 and 2137] and have "exchanged written discovery and documents responsive thereto." *See* Docket No. 2197.

8. Upon information and belief, pending deadlines in the Scheduling Order and discovery in the Contested Matter have been paused and will be re-negotiated after disposition of that *Motion to Compel Disqualification of Wick Phillips Gould & Martin, LLP as Counsel to HCRE Partners, LLC* [Docket No. 2196]. *See* Docket No. 2197.

[2] That *Amended and Restated Limited Liability Company Agreement* dated March 15, 2019.

9. The parties in this Contested Matter seek to modify the SE Multifamily Agreement and/or seek legal determinations of the Agreement. As a party to the three-member SE Multifamily Agreement, BH is a party in interest under 11 U.S.C. § 1109 to this Contested Matter and has standing to participate and be heard in this Contested Matter. BH reserves the right to supplement and amend this filing after further review of the matter, consultation with the Debtor and HCREP, review of any amended pleadings filed by HCREP and the Debtor, and participation in this Contested Matter.

Respectfully submitted,

By: /s/ Casey Doherty

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2021, a copy of the foregoing has been served via the Court's Electronic Filing System on all parties requesting notice in this proceeding.

/s/ Casey Doherty
Casey Doherty