

PARSONS MCENTIRE MCCLEARY PLLC

Sawnie A. McEntire (SBOT: 13590100)

1700 Pacific Avenue, Suite 4400

Dallas, TX 75201

Tel: (214) 237-4300

Roger L. McCleary (SBOT: 133937)

One Riverway, Suite 1800

Houston, TX 77056

Tel: (713) 960-7315

Counsel for Hunter Mountain Investment Trust

**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-sgj11

CONSENT MOTION TO DISMISS PROCEEDING

Hunter Mountain Investment Trust ("**HMIT**") files this Consent Motion to Dismiss Proceeding ("**Consent Motion**") and would respectfully show as follows:

1. On May 27, 2025, HMIT filed a Consent Motion for Stay [Dkt. 4222] ("**Stay Motion**"), seeking a stay of certain matters pursuant to a proposed settlement agreement with Highland Capital Management, L.P., the reorganized debtor ("**Debtor**" or "**Highland**"), the Highland Claimant Trust ("**Claimant Trust**"), and the Highland



Litigation Sub-Trust (“*Litigation Sub-Trust*”), that was pending this Court’s approval [Dkt. 4217-1] (“*Settlement Agreement*”).¹

2. Specifically, the Stay Motion sought a stay of the proceedings defined in the Settlement Agreement as: “*Hunter Mountain Investment Trust v. Highland Cap. Mgmt., L.P., Case No. 3:23-cv-02071-E (N.D. Tex.), on remand to the Bankruptcy Court (including Hunter Mountain Investment Trust’s Emergency Motion for Leave to File Adversary Proceeding filed at Bankruptcy Court Docket No. 3699 and all proceedings, decisions, and orders relating thereto)*” (the “*Remanded Proceedings*”). [Dkt. 4217-1, pp. 7, 9] (emphasis added).

3. On June 9, 2025, this Court granted the Stay Motion and entered an order staying the Remanded Proceedings [Dkt. 4226].

4. The Court conducted a hearing on the Settlement Agreement on June 25, 2025, and entered an order approving the Settlement Agreement on June 30, 2025 [Dkt. 4297].

¹ As outlined in the Stay Motion, on May 19, 2025, Highland, the Claimant Trust, and the Litigation Sub-Trust filed a *Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. § 363 Approving Settlement with HMIT Entities and Authorizing Actions Consistent Therewith* [Bankr. Dkt. 4216] (“*Motion to Approve Settlement*”) in Case No. 19-34054-sgj11, *In re: Highland Capital Management, L.P. (“Highland Bankruptcy”)*, pending in the United States District Bankruptcy Court for the Northern District of Texas, Dallas Division (“*Bankruptcy Court*”).

5. Upon confirmation by the Court, the Settlement Agreement requires HMIT to move to dismiss all “Pending Litigation,” as defined in the Settlement Agreement, including the Remanded Proceedings, within five (5) business days.

6. By this Consent Motion, HMIT now withdraws its underlying *Emergency Motion for Leave to File Adversary Proceeding* [Dkt. 3699] (“*Motion for Leave*”) and seeks dismissal of the Remanded Proceedings.

7. Accordingly, HMIT respectfully moves the Court for the entry of an order, substantially in the form attached hereto as Exhibit A (“*Dismissal Order*”), dismissing the Remanded Proceedings with prejudice.

8. HMIT represents that it has provided counsel for the parties to the Settlement Agreement and counsel for all parties involved in the Remand Proceedings with a copy of this Consent Motion and the proposed Dismissal Order, and that such parties consent to the relief requested by this Consent Motion.

WHEREFORE, HMIT respectfully requests the entry of the Dismissal Order, substantially in the form attached hereto as Exhibit A, dismissing the Remand Proceedings, in accordance with the Court’s ruling approving the Settlement Agreement.

Respectfully Submitted:

PARSONS MCENTIRE MCCLEARY PLLC

/s/ Sawnie A. McEntire

Sawnie A. McEntire (SBOT: 13590100)

smcentire@pmmlaw.com

Ian B. Salzer (SBOT: 24110325)

isalzer@pmmlaw.com

1700 Pacific Avenue, Suite 4400

Dallas, TX 75201

Tel: (214) 237-4300

Fax: (214) 237-4340

Roger L. McCleary (SBOT: 133937)

rmccleary@pmmlaw.com

One Riverway, Suite 1800

Houston, TX 77056

Tel: (713) 960-7315

Fax: (713) 960-7347

Counsel for Hunter Mountain Investment Trust

CERTIFICATE OF CONFERENCE

I hereby certify that on July 1, 2025, counsel for HMIT conferred with counsel for Highland, the Claimant Trust, Seery, Stonehill, Farallon, Muck, and Jessup, and all parties are unopposed to the relief sought in this Motion.

/s/ Ian B. Salzer

Ian B. Salzer

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2025, the foregoing document was served on all parties of record via the Court's electronic filing system.

/s/ Ian B. Salzer

Ian B. Salzer

EXHIBIT A
Proposed Order

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

In re:

HIGHLAND CAPITAL
MANAGEMENT, L.P.,

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj11

ORDER DISMISSING PROCEEDING WITH PREJUDICE

The Court, having considered the *Consent Motion to Dismiss Proceeding* (the “*Dismissal Motion*”) filed by Hunter Mountain Investment Trust (“*HMIT*”), and noting that HMIT has withdrawn its underlying *Emergency Motion for Leave to File Adversary Proceeding* [Dkt. 3699] with prejudice and that the Dismissal Motion is unopposed, is of

the opinion that the Dismissal Motion is well taken and should be **GRANTED** in its entirety:

IT IS THEREFORE ORDERED that the proceedings defined in the Dismissal Motion as: "*Hunter Mountain Investment Trust v. Highland Cap. Mgmt., L.P.*, Case No. 3:23-cv-02071-E (N.D. Tex.), on remand to the Bankruptcy Court (including *Hunter Mountain Investment Trust's Emergency Motion for Leave to File Adversary Proceeding* filed at Bankruptcy Court Docket No. 3699 and all proceedings, decisions, and orders relating thereto)," are dismissed with prejudice.

IT IS FURTHER ORDERED that that all costs of Court are taxed against the party incurring same, and all parties are responsible for their own attorneys' fees and expenses.

END OF ORDER