

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 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

**CONSENT MOTION TO DISMISS**

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

1. On May 27, 2025, 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*”),<sup>1</sup> HMIT filed a Consent Motion for Stay [Appeal Dkt. 37] (“*Stay Motion*”) of the appeal to the District Court (Case No. 3:24-cv-01786-BW) (“*Appeal*”),<sup>2</sup> concerning the Court’s *Order Extending Stay of Contested Matter* [Docket No. 4000] [Dkt. 4104] staying further proceedings with respect to HMIT’s *Motion for Leave to File a Delaware Complaint* [Dkt. 4000] (“*Motion for Leave*”).

2. On May 28, 2025, the District Court entered an order administratively closing the Appeal in response to the Stay Motion [Appeal Dkt. 38].

3. 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].

4. 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 Delaware Action Proceedings, within five (5) business days.

---

<sup>1</sup> 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* [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*”).

<sup>2</sup> The Appeal is defined in the Settlement Agreement and the Stay Motion as: “*Hunter Mountain Investment Trust v. Highland Cap. Mgmt., L.P., Case No. 3:24-cv-01786-L (N.D. Tex.)*” (the “*Delaware Action Proceedings*”). [Dkt. 4217-1, pp. 7, 9] (emphasis added); [Appeal Dkt. 37].

5. By this Consent Motion HMIT now withdraws its underlying Motion for Leave and seeks dismissal of the Delaware Action Proceedings. HMIT is contemporaneously filing a motion to dismiss in the Appeal with prejudice.

6. Accordingly, HMIT respectfully moves this Court for the entry of an order, substantially in the form attached hereto as **Exhibit A** ("*Dismissal Order*"), dismissing HMIT's Motion for Leave with prejudice.

7. HMIT represents that it has provided counsel for the parties to the Settlement Agreement and counsel for all parties involved in the Delaware Action 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 Delaware Action 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, and Seery, 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* (the “*Dismissal Motion*”) filed by Hunter Mountain Investment Trust (“*HMIT*”), and noting that HMIT has withdrawn its underlying *Motion for Leave to File a Delaware Complaint* [Dkt. 4000] 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. 3:24-cv-01786-L (N.D. Tex.)” 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 ###**