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*Counsel for Highland Capital Management, L.P. and
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Debtor.

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Chapter 11

Case No. 19-34054-sgj11

**HIGHLAND CAPITAL MANAGEMENT, L.P. AND THE HIGHLAND
CLAIMANT TRUST’S MOTION FOR AN ORDER AUTHORIZING (A)
THE DESTRUCTION OF CERTAIN DOCUMENTS AND OBSOLETE EQUIPMENT
AND (B) FOR RELATED RELIEF**

Highland Capital Management, L.P., the reorganized debtor (“Highland”) in the above-captioned chapter 11 case (the “Bankruptcy Case”), and the Highland Claimant Trust (the “Claimant Trust,” and together with Highland, the “Movants”), by and through their undersigned

¹ Highland’s last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



counsel, hereby file this motion (the “Motion”) for entry of an order, substantially in the form attached as **Exhibit A** (the “Proposed Order”), (i) authorizing, but not directing, the Movants to cause the destruction of certain non-essential books, records, information, and other papers owned or controlled by the Movants that were delivered to Iron Mountain, Inc. (“Iron Mountain”) in or before 2012; (ii) authorizing, but not directing, the Movants to cause the destruction of certain other non-essential electronic equipment; and (iii) granting related relief. In support of the Motion, the Movants submit the *Declaration of James P. Seery, Jr. in Support of Highland Capital Management, L.P. and the Highland Claimant Trust’s Motion for an Order Authorizing (A) the Destruction of Certain Documents and Obsolete Equipment and (B) for Related Relief* (the “Seery Declaration” or “Seery Dec.”), and respectfully state as follows:

I. PRELIMINARY STATEMENT

1. Highland is currently storing 3,987 boxes of documents at a nearby and secure facility operated by Iron Mountain, 2,414 of which were delivered to Iron Mountain in or before 2012 (collectively, the “Documents”), and 1,573 of which were delivered to Iron Mountain in or after 2013 (collectively, the “Retained Documents”). Based on their review of a current inventory describing the boxes and their contents, Movants believe the Documents (a) were created in or before 2012, (b) are not needed for any pending or foreseeable litigation or for any other foreseeable business purpose, and (c) are not required to be retained under applicable law.

2. Highland also possesses certain old servers and other electronic equipment that was located previously in offsite locations and which are now stored in boxes located inside Highland’s Dallas office (the “Obsolete Equipment”). This Obsolete Equipment was retained after duplicating and migrating Highland’s electronic information from physical servers to a cloud-based storage solution, which was largely completed in 2021. Following the migration, the offsite locations were no longer needed so the Obsolete Equipment was transferred to the Highland offices, where it

remains stored in boxes. Highland does not expect to utilize office space beginning in 2026 and with the impending closure of its current office, seeks to destroy the Obsolete Equipment rather than incur additional storage costs.

3. The Plan and Claimant Trust Agreement authorize Movants to dispose of their books and records as provided thereunder.² In furtherance of their efforts to timely commence the dissolution and wind down of the Claimant Trust and to reduce expenses by an estimated \$90,000 per year, and because Movants have concluded that continued retention of the Documents and Obsolete Equipment will not benefit the Claimant Trust, Movants request authority to destroy the Documents and Obsolete Equipment.

4. Movants also request authority to direct the destruction of the Retained Documents upon ten (10) days' written notice with such notice filed on the main docket maintained in the Bankruptcy Case and subject to objection by any party in interest.

5. For the reasons set forth below and in the Seery Declaration, Movants respectfully request that the Court grant the Motion and enter the Proposed Order.

II. JURISDICTION AND VENUE

6. The Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and Article XI of the Plan (as defined below). This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue for this matter is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The predicates for the relief requested in this Motion are sections 105(a) and 1142 of the Bankruptcy Code.

² Some of the Documents as well as the Obsolete Equipment may not constitute actual "books and records" of the Debtor, but the Movants file this Motion to be transparent and to provide all parties in interest an opportunity to be heard.

III. RELEVANT BACKGROUND

7. On October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”). On December 4, 2019, the Delaware Court entered an order transferring venue of the Debtor’s Case to this Court [Docket No. 186].

8. On February 22, 2021, the Court entered the *Order (i) Confirming the Fifth Amended Plan of Reorganization (as Modified) and (ii) Granting Related Relief* [Docket No. 1943] (the “Confirmation Order”) with respect to the Plan.³ The Plan went effective on August 11, 2021 (the “Effective Date”). [Docket No. 2700].

9. The *Debtor’s Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Docket No. 1808] (the “Plan”) and the *Claimant Trust Agreement* (the “Claimant Trust Agreement”) authorize Movants to dispose of the Debtor’s books and records.

10. Under the Claimant Trust Agreement, the Claimant Trustee can dispose of the Debtor’s books and records with unanimous consent of the Oversight Board and a determination that the continued possession or maintenance of such books and records is no longer necessary for the benefit of the Claimant Trust. Section 2.4 of the Claimant Trust Agreement provides that:

(c) On or before the Effective Date, and continuing thereafter, the Debtor or Reorganized Debtor, as applicable, shall provide (i) for the Claimant Trustee’s and Litigation Trustee’s reasonable access to all records and information in the Debtor’s and Reorganized Debtor’s possession, custody or control, (ii) that all Privileges related to the Claimant Trust Assets shall transfer to and vest exclusively in the Claimant Trust (except for those Privileges that will be transferred and assigned to the Litigation Sub-Trust in respect of the Estate Claims), and (iii) **subject to Section 3.12(c), the Debtor and Reorganized Debtor shall preserve all records and documents (including all electronic records or documents)**, including, but not limited to, the Debtor’s file server, email server, email archiving system, master journal, SharePoint, Oracle E-Business Suite, Advent Geneva, Siepe database, Bloomberg chat data, and any backups of the foregoing, **until such time as the Claimant Trustee, with the consent of the Oversight Board and, if pertaining**

³ The Confirmation Order was subsequently modified for reasons irrelevant to the Motion. See Docket No. 4378.

to any of the Estate Claims, the Litigation Trustee, directs the Reorganized Debtor, as sole member of its general partner, that such records are no longer required to be preserved. For the purposes of transfer of documents, the Claimant Trust or Litigation Sub-Trust, as applicable, is an assignee and successor to the Debtor in respect of the Claimant Trust Assets and Estate Claims, respectively, and shall be treated as such in any review of confidentiality restrictions in requested documents. (emphasis added).

11. Section 3.12(c) of the Claimant Trust Agreement further provides that:

The Claimant Trustee may dispose some or all of the books and records maintained by the Claimant Trustee at the later of (i) such time as the Claimant Trustee determines, with the unanimous consent of the Oversight Board, that the continued possession or maintenance of such books and records is no longer necessary for the benefit of the Claimant Trust, or (ii) upon the termination and winding up of the Claimant Trust under Article IX of this Agreement; provided, however, the Claimant Trustee shall not dispose of any books and records related to the Estate Claims or Employee Claims without the consent of the Litigation Trustee. Notwithstanding the foregoing, the Claimant Trustee shall cause the Reorganized Debtor and its subsidiaries to retain such books and records, and for such periods, as are required to be retained pursuant to Section 204-2 of the Investment Advisers Act or any other applicable laws, rules, or regulations

A. The Iron Mountain Documents

12. Notwithstanding Highland's practice of keeping its business records in electronic form, Highland has also stored hard copy documents at Iron Mountain for at least 20 years, with additional documents being added from time to time. The Movants have reviewed an inventory listing from Iron Mountain describing the Documents and determined that (a) the continued storage of the Documents is no longer necessary because the Documents do not concern any current business activities of Highland or any pending or foreseeable litigation, and have no other business purpose, and (b) the Claimant Trust estimates it would save approximately \$7,500 per month (or, approximately \$90,000 per year) in storage fees if the Documents are destroyed. Moreover, destruction of the Documents is consistent with the commencement of the anticipated dissolution and wind-up of the Claimant Trust. *See* Seery Dec. ¶¶ 3-5.

13. While Movants will continue to store the Retained Documents for the time being,

they request authority to instruct Iron Mountain to destroy those documents at their discretion upon ten (10) days' notice filed on the main docket in the Bankruptcy Case (the "Notice"), provided that no objection is lodged. *Id.* ¶ 6.

B. The Obsolete Equipment

14. Prior to the Petition Date, the Debtor utilized offsite physical locations to house servers and other electronic IT equipment used by the Debtor. In 2021 and 2022, working with outside IT professionals, Highland's proprietary data previously stored on physical systems was migrated to a cloud storage environment, thereby eliminating Highland's need for physical servers or offsite space to operate and house them. However, Highland retained the Obsolete Equipment even after the migration was complete, although it was boxed and moved from the leased offsite locations to Highland's Dallas offices, where it has been collecting dust ever since. *Id.* ¶ 7.

15. At the end of 2025, Highland expects to surrender its office space and will need to either transfer the Obsolete Equipment to a storage facility or destroy it. The Movants believe that: (a) the continued storage of the Obsolete Equipment is no longer necessary because it does not concern Highland's business activities or any pending or foreseeable litigation, and has no other business purpose, (b) the Obsolete Equipment has negligible, if any, market value, (c) destruction of the Obsolete Equipment will save moving and storage costs, and (d) destruction of the Obsolete Equipment is consistent with the commencement of the anticipated dissolution and wind-up of the Claimant Trust. *See Seery Dec.* ¶¶ 7-8.

16. The Claimant Oversight Board has unanimously consented to the Motion and the relief requested here. *Id.* ¶ 9.

IV. ARGUMENT

17. Section 105(a) of the Bankruptcy Code provides, in relevant part, that "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the

provisions of this title.” 11 U.S.C. § 105(a). Section 1142(a) further provides that “[t]he debtor and any entity organized or to be organized for the purpose of carrying out the plan shall carry out the plan and shall comply with any orders of the court.” 11 U.S.C. § 1142(a).

18. Here, Movants have determined, with the unanimous consent of the Oversight Board, that the continued possession and/or storage of the Documents and Obsolete Equipment is no longer necessary for the benefit of the Claimant Trust. *See generally* Seery Declaration. Moreover, destruction of the Documents and Obsolete Equipment (a) complies with the provisions of the Plan and the Claimant Trust Agreement, (b) will result in a reduction of expenses, and (c) furthers Movants’ efforts to wind up their affairs. *Id.*

19. Further, no party in interest will be prejudiced if the Documents and Obsolete Equipment are destroyed because (a) the Documents are all more than a dozen years old, (b) neither are necessary to administer the Debtor’s estate, (c) Highland believes that any potentially relevant information contained in the Documents or on the Obsolete Equipment has already been duplicated and continues to exist (d) Highland believes no information in the Documents or on the Obsolete Equipment is relevant to any pending or reasonably foreseeable litigation, and (e) neither are required to be retained under applicable law. Moreover, because all of the Documents and Obsolete Equipment will be destroyed, any personally identifiable information (as that term is defined in 11 U.S.C. § 101(41A)) contained therein will also be destroyed.

20. In a proper exercise of business judgment, the Movants have determined that destroying the Documents and the Obsolete Equipment at this time makes economic sense because it will reduce storage costs without any foreseeable prejudice to the Movants or any party in interest; it is also consistent with the Movants’ efforts to efficiently wind up their affairs.

V. PRAYER

WHEREFORE, Movants respectfully request that the Court enter the Proposed Order

granting the Motion and granting Movants such further and additional relief as the Court deems appropriate.

Dated: September 30, 2025

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EXHIBIT A

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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Debtor.

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) Chapter 11
)
) Case No. 19-34054-sgj11
)
)
)
)

**ORDER AUTHORIZING (A) THE DESTRUCTION OF CERTAIN DOCUMENTS
AND OBSOLETE EQUIPMENT AND (B) FOR RELATED RELIEF**

Having considered the *Motion for an Order Authorizing (A) the Destruction of Certain Documents and Obsolete Equipment and (B) for Related Relief* (the “Motion”)² of Highland Capital Management, L.P. (“Highland”), the reorganized debtor in the above-captioned chapter 11 case (the “Bankruptcy Case”), and the Highland Claimant Trust (the “Claimant Trust,” and together with Highland, the “Movants”); and the Court having found that (a) the Court has

¹ Highland’s last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

² Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Motion.

jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 as well as Article XI the Plan; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; (d) notice of the Motion was proper and sufficient under the circumstances and no further or additional notice need be given; and (e) the factual and legal bases set forth in the Motion and the Seery Declaration establish sufficient cause for the relief granted in this Order. Accordingly, after due deliberation, **IT IS ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Movants are authorized, but not directed, to cause the destruction of the Documents and Obsolete Equipment.
3. The Movants are further authorized, but not directed, to cause the destruction of any Retained Documents upon ten (10) days' written notice (the "Notice Period"), provided that (i) such notice (each, a "Notice") is filed on the main docket in the Bankruptcy Case and (ii) no objection to any such Notice is lodged by any party in interest during the Notice Period.
4. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

###End of Order###