



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed October 9, 2020


United States Bankruptcy Judge

**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.	§	
-----	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adversary No. 20-03105-sgj
	§	
HUNTER MOUNTAIN INVESTMENT TRUST,	§	
	§	
Defendant.	§	
-----	§	

**ORDER APPROVING
STIPULATION AND SCHEDULING OF PRE-TRIAL MATTERS**

¹ The last four digits of the Debtor's 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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Having considered the *Stipulation and Proposed Scheduling Order* [Adv. Docket No. 8] (the “Stipulation”),² a copy of which is attached hereto as **Exhibit A**, filed by Highland Capital Management, L.P. (the “Debtor”) and Hunter Mountain Investment Trust (“Hunter Mountain”, and together with the Debtor, the “Parties”), **IT IS HEREBY ORDERED THAT:**

1. The Stipulation is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. In lieu of the pre-trial schedule set forth in the Court’s Alternative Scheduling Order, all pre-trial matters in this Adversary Proceeding shall be governed by the following schedule (the “Pre-Trial Schedule”) agreed to by the Parties:

<i>Pre-Trial Schedule</i>	
<u>Event</u>	<u>Deadline</u>
1. Deadline to Answer or Otherwise Respond to Complaint	November 15, 2020
2. Service of Written Discovery Requests	December 31, 2020
3. Service of Written Responses to Discovery	February 5, 2021
4. Completion of Fact Discovery	February 26, 2021
5. Completion of Expert Discovery	March 26, 2021
6. Dispositive Motions	March 26, 2021
7. Exhibit and Witness Lists	April 26, 2021
8. Joint Pretrial Order	May 3, 2021
9. Proposed Findings of Fact and Conclusions of Law	May 3, 2021
10. Trial Docket Call	May 10, 2021 at 1:30 p.m. (CT)

4. The foregoing Pre-Trial Schedule shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

² Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Stipulation.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

###End of Order###

EXHIBIT A

PACHULSKI STANG ZIEHL & JONES LLP
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Ira D. Kharasch (CA Bar No. 109084) (*admitted pro hac vice*)
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Counsel for the Debtor and Debtor-in-Possession

**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.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adversary No. 20-03105-sgj
	§	
HUNTER MOUNTAIN INVESTMENT TRUST,	§	
	§	
Defendant.	§	
	§	

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

STIPULATION AND PROPOSED SCHEDULING ORDER

This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and Hunter Mountain Investment Trust (“Hunter Mountain”, and together with the Debtor, the “Parties”), by and through their respective undersigned counsel.

RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of the Debtor’s bankruptcy case (the “Bankruptcy Case”) to this Court [Docket No. 186];²

WHEREAS, on March 2, 2020, the Court entered its *Order (I) Establishing Bar Dates for Filing Claims and (II) Approving the Form and Manner of Notice Thereof* [Docket No. 488] (the “Bar Date Order”),³ which, among other things, established April 8, 2020 at 5:00 p.m. Central Time (the “General Bar Date”) as the deadline for all entities holding claims against the Debtor that arose before the Petition Date to file proofs of claim;

WHEREAS, on April 8, 2020, Hunter Mountain filed a general unsecured proof of claim in the amount of \$60,298,739.00, which was denoted by the Debtor’s claims agent as claim number 152 (“Claim No. 152”);

² All docket numbers refer to the dockets maintained by this Court for the Bankruptcy Case and the above-captioned adversary proceeding (the “Adversary Proceeding”).

³ Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Bar Date Order.

WHEREAS, on August 26, 2020, the Debtor filed the *Debtor's (I) Objection to Claim No. 152 of Hunter Mountain Trust and (II) Complaint to Subordinate Claim of Hunter Mountain Trust and for Declaratory Relief* [Adv. Docket No. 1] (the "Complaint");

WHEREAS, on August 27, 2020, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Adv. Docket No. 3] (the "Alternative Scheduling Order");

WHEREAS, on September 21, 2020, the Debtor filed the *First Amended Plan of Reorganization of Highland Capital, L. P.* [Docket No. 1079] (the "Plan");

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed schedule and address related matters, all as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. In consideration for the schedule set forth below, including the extension of time to respond to the Complaint, Hunter Mountain (a) waives its rights, if any, to vote for or against the Plan, whether pursuant to Federal Rule of Bankruptcy Procedure 3018(a) or otherwise; and (b) agrees not to object to or otherwise oppose confirmation of the Plan, including any amendments thereto (provided that any such amendments do not affect the issues which would be litigated in this Adversary Proceeding).

2. The Parties agree to the following schedule (the "Proposed Joint Scheduling Order") in lieu of that provided in the Alternative Scheduling Order:

<i>Proposed Joint Scheduling Order</i>	
<u>Event</u>	<u>Deadline</u>
1. Deadline to Answer or Otherwise Respond to Complaint	November 15, 2020
2. Service of Written Discovery Requests	December 31, 2020
3. Service of Written Responses to Discovery	February 5, 2021
4. Completion of Fact Discovery	February 26, 2021
5. Completion of Expert Discovery	March 26, 2021
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7. Exhibit and Witness Lists	April 26, 2021
8. Joint Pretrial Order	May 3, 2021
9. Proposed Findings of Fact and Conclusions of Law	May 3, 2021
10. Trial Docket Call	May 10, 2021

3. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

4. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

[Remainder of Page Intentionally Blank]

Dated: October 5, 2020

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No.143717)
(*admitted pro hac vice*)
Ira D. Kharasch (CA Bar No. 109084)
(*admitted pro hac vice*)
John A. Morris (NY Bar No. 266326)
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-and-

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/s/ Zachery Z. Annable

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Counsel for the Debtor and Debtor-in-Possession

HUNTER MOUNTAIN INVESTMENT TRUST

/s/ E.P. Keiffer

E.P. Keiffer
Rochelle McCullough,LLP
325 North St. Paul St., Suite 4500
Dallas, Texas 75201

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on October 5, 2020, true and correct copies of the foregoing document were served on the parties listed below via electronic service at the e-mail addresses listed.

/s/ Zachery Z. Annable
Zachery Z. Annable, Esq.

<p>Counsel for Hunter Mountain Investment Trust:</p> <p>Mr. E. P. Keiffer Rochelle McCullough, LLP 325 North St. Paul St., Suite 4500 Dallas, Texas 75201 pkeiffer@romclaw.com</p> <p><i>(via electronic service)</i></p>	
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United States Bankruptcy Court
Northern District of Texas

Highland Capital Management, L.P.,
Plaintiff
Hunter Mountain Investment Trust,
Defendant

Adv. Proc. No. 20-03105-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3
Date Rcvd: Oct 12, 2020

User: mmathews
Form ID: pdf001

Page 1 of 2
Total Noticed: 6

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 15, 2020:

Recip ID	Recipient Name and Address
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996
pla	+ Highland Capital Management, L.P., c/o Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067-4003
dft	+ Hunter Mountain Investment Trust, c/o E. P Keiffer, Rochelle McCullough, LLP, 325 North St. Paul St., Suite 4500, Dallas, TX 75201-3827

TOTAL: 3

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpreion06.ty.ecf@usdoj.gov	Oct 12 2020 21:19:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+ Email/Text: ustpreion07.hu.ecf@usdoj.gov	Oct 12 2020 21:19:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Oct 12 2020 21:19:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
ust		Sandra Nixon, U.S. Trustee
ust		mario zavala
ust	*+	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 15, 2020

Signature: /s/Joseph Speetjens

District/off: 0539-3
Date Rcvd: Oct 12, 2020

User: mmathews
Form ID: pdf001

Page 2 of 2
Total Noticed: 6

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 12, 2020 at the address(es) listed below:

Name	Email Address
Zachery Z. Annable	on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 1