

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

HIGHLAND CAPITAL MANAGEMENT LP	§	CASE NO. 3:21-cv-00550-L
	§	
DEBTOR	§	Appeal
	§	
	§	
THE DUGABOY INVESTMENT TRUST AND GET GOOD TRUST	§	
	§	
APPELLANTS	§	
	§	
V.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT LP	§	
	§	
APPELLEE	§	
	§	

MOTION TO WAIVE REQUIREMENT OF  
LOCAL RULE 83.10 FOR DESIGNATION OF LOCAL COUNSEL

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TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Douglas S. Draper (“*Draper*”) and the law firm of Heller, Draper & Horn, L.L.C., (“*Heller Draper*”) in the above referenced appeal from the bankruptcy case, *In re Highland Capital Management LP*, chapter 11, case no. 19-34054, United States Bankruptcy Court Northern District of Texas, Dallas Division (“*Bankruptcy Case*”), and file this *Motion to Waive Requirement of Local Rule 83.10 for Designation of Local Counsel* (the “*Motion*”), and state that they are unaware of any opposition to this Motion and in support respectfully aver as follows:



## SUMMARY OF THE PROCEEDINGS

1. The Bankruptcy Case was filed by Highland Capital Management, LP (the “*Debtor*”) on October 16, 2019. To date, the Debtor continues to manage its estate as debtor in possession.

2. In the Bankruptcy Case, on January 6, 2021, the law firm of Heller, Draper & Horn, L.L.C. (“*Heller Draper*”) filed on behalf of Douglas S. Draper, Warren Horn, Leslie A. Collins and Greta M. Brouphy (collectively, “*Counsel*”), *Applications for Admission Pro Hac Vice*. The applications were approved allowing Counsel to represent The Dugaboy Trust and Get Good Trust in the Bankruptcy Case. Further, Heller Draper sought and was granted the authority to waive the local counsel requirement pursuant to Local Bankruptcy Rule 2090-4 in the Bankruptcy Case.

3. In the Appeals Case, pending before this Court, in case captioned *the Dugaboy Investment Trust and Get Good Trust v. Highland Capital Management LP*, Case No. 3:21-cv-00261-L, on March 22, 2021, the Court entered the *Order* granting Mr. Draper the authority to waive local counsel.

4. On March 3, 2021, The Dugaboy Trust and Get Good Trust (the “*Appellants*”) filed a Notice of Appeal in the Bankruptcy Case, which the Appellants amended on March 11, 2021. On March 10, 2021, the bankruptcy clerk transmitted the Notice of Appeal to this Court.

### REQUEST FOR WAIVER OF LOCAL RULE 83.10

5. Pursuant to Local Rule 83.10, local counsel is required when counsel not admitted before the court does not reside or maintain an office within 50 miles of the Northern District.

6. In this appeal, only undersigned counsel, Douglas S. Draper is seeking *pro hac vice* admittance, as he is not admitted to practice before the United States District Court for the

Northern District of Texas. Draper is a member of the highest court and in good standing for the State of Louisiana and the Fifth Circuit Court of Appeal. Draper has over thirty years of bankruptcy experience.

7. Draper has appeared before in several bankruptcy cases in Texas and throughout the country, including large Chapter 11 cases as either debtor counsel, committee counsel, or creditor counsel. In the captioned case, Draper is seeking *pro hac vice* admission to represent the Appellants.

8. Local Rule 83.10 permits waiver of the requirement for Local Counsel, by the Court, on a case by case basis. Draper asserts that there is sufficient cause to waive the requirement of Local Counsel as: (i) this matter is an appeal from an order issued in the Bankruptcy Case which lessens the need for local counsel; and (ii) Draper's request to waive Local Counsel in the Bankruptcy Case was granted. Thus, Draper asserts that there is good cause for a waiver of the requirement for local counsel in this instance and seek the entry of the attached order.

WHEREFORE PREMISES CONSIDERED, counsel, Douglas S. Draper and the law firm of Heller, Draper & Horn, L.L.C. respectfully request that the Court waive the requirement for Local Counsel pursuant to Local Rule 83.10 in this appeal, and for any other relief that is just.

Respectfully submitted,

/s/ Douglas S. Draper  
Douglas S. Draper, (*pro hac vice admittance requested*)  
Heller, Draper & Horn, L.L.C.  
650 Poydras Street, Suite 2500  
New Orleans, LA 70130  
Phone: 504-299-3300/Fax: 504-299-3399  
e-mail: [ddraper@hellerdraper.com](mailto:ddraper@hellerdraper.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be electronically filed the foregoing document with the clerk of court for the United States District Court, Northern District of Texas Dallas Division, using the electronic case filing system. The electronic case filing system served upon those parties receiving the court's ECF-email notification, on this the 5<sup>th</sup> day of March 2021.

*/s/ Douglas S. Draper* \_\_\_\_\_