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Counsel for Highland Capital Management, L.P.

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

CHARITABLE DAF FUND, L.P., AND CLO
 HOLDCO LTD.,

Plaintiffs,

vs.

HIGHLAND CAPITAL MANAGEMENT, L.P.,
 HIGHLAND HCF ADVISOR, LTD., AND
 HIGHLAND CLO FUNDING, LTD.,

Defendants.

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Case No. 3:21-cv-00842-B

**DEFENDANT HIGHLAND CAPITAL MANAGEMENT, L.P.'S
 UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT**



Highland Capital Management, L.P. (the “Debtor” or “Defendant”), defendant in the above-captioned case (the “Case”), by and through its undersigned counsel, files this motion (the “Motion”) seeking leave of this Court to file a reply brief (the “Reply”) in support of its *Motion to Dismiss Complaint* [Docket No. 26] (the “Motion to Dismiss”) in excess of the page limitations set forth in Rule 7.2(c) of the Local Civil Rules of the United States District Court for the Northern District of Texas (the “Local Rules”). In support of its Motion, the Debtor states as follows:

FACTUAL BACKGROUND

1. On May 27, 2021, the Debtor filed its Motion to Dismiss seeking dismissal of the *Original Complaint* [Docket No. 1] (the “Complaint”) filed by plaintiffs Charitable DAF Fund, L.P. (the “DAF”) and CLO Holdco, Ltd. (“CLOH”) (together, “Plaintiffs”).

2. On June 28, 2021, Plaintiffs filed their *Unopposed Motion for Leave to Exceed Page Limit* [Docket No. 34] (“Plaintiffs’ Page-Limit Motion”) seeking leave of this Court to file a response to the Debtor’s Motion to Dismiss in excess of the 25-page limit set forth in the Local Rules. Plaintiffs asserted that an increase in the 25-page limit was necessary, *inter alia*, due to the complexity of facts and law relating to the subject matter of this Case.

3. On June 29, 2021, the Court entered an electronic order on the docket in this Case [Docket No. 35] granting Plaintiffs’ Page-Limit Motion and permitting Plaintiffs to file a response to the Motion to Dismiss up to 35 pages in length.

4. On June 29, 2021, Plaintiffs filed their *Response to Motion to Dismiss Complaint* [Docket No. 38] (the “Response”). Excluding the table of contents and table of authorities, the Response was 35 pages in length.

5. The deadline for Debtor to file its Reply in support of the Motion to Dismiss is July 13, 2021.

RELIEF REQUESTED

6. Due to the length of Plaintiffs' Response to the Motion to Dismiss—35 pages—and the breadth and scope of the arguments set forth therein, the Debtor is similarly seeking leave to file its Reply in excess of the 10-page limit set forth in Local Rule 7.2(c). The Debtor believes it can sufficiently address the issues raised in Plaintiffs' 35-page Response in a reply of no more than 15 pages. Accordingly, the Debtor respectfully requests that the Court grant the Debtor leave to file its Reply in a length of up to 15 pages, excluding any table of contents and/or table of authorities included in the Reply.

7. As set forth in the certificate of conference below, counsel for the Plaintiffs is **UNOPPOSED** to the relief requested in this Motion.

WHEREFORE, the Debtor respectfully requests that the Court (i) grant the Motion; (ii) enter an order granting the Debtor leave to file its Reply in a length of up to 15 pages, excluding any table of contents and/or table of authorities included in the Reply; and (iii) grant the Debtor such other and further relief as the Court may deem proper.

Dated: July 12, 2021

PACHULSKI STANG ZIEHL & JONES LLP

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Counsel for Highland Capital Management, L.P.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on July 12, 2021, counsel for the Debtor corresponded with Plaintiffs' counsel regarding the relief requested in the foregoing Motion. Plaintiffs' counsel advised counsel for the Debtor that they are **UNOPPOSED** to the relief requested in the Motion.

/s/ Zachery Z. Annable _____
Zachery Z. Annable

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Case No. 3:21-cv-00842-B

**ORDER GRANTING DEFENDANT HIGHLAND CAPITAL MANAGEMENT, L.P.’S
UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT**

Before the Court is defendant Highland Capital Management L.P.’s (“Debtor” or “Defendant”) *Motion for Leave to Exceed Page Limit* [Docket No. __] (the “Motion”).¹ Having considered: (a) the Motion and (b) Plaintiffs’ lack of opposition to the relief requested in the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish good cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor and for the reasons set forth in the record on this Motion, it is **HEREBY ORDERED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Debtor is granted leave to file its Reply in support of its Motion to Dismiss in a length of up to 15 pages, excluding the table of contents and/or table of authorities included in the Reply.

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

It is so ordered this _____ day of _____, 2021.

The Honorable Jane J. Boyle
United States District Judge