



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 August 23, 2021**

*Hay G. C. Gammie*  
\_\_\_\_\_  
**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., <sup>1</sup>	)	
	)	
Debtor,	)	Case No. 19-34054-SGJ11
	)	
OFFICIAL COMMITTEE OF UNSECURED	)	
CREDITORS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Adversary Proceeding No. 20-03195
	)	
CLO HOLDCO, LTD., CHARITABLE DAF	)	
HOLDCO, LTD., CHARITABLE DAF FUND, LP,	)	
HIGHLAND DALLAS FOUNDATION, INC., THE	)	
DUGABOY INVESTMENT TRUST, GRANT	)	
JAMES SCOTT III IN HIS INDIVIDUAL	)	
CAPACITY, AS TRUSTEE OF THE DUGABOY	)	

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



INVESTMENT TRUST, AND AS TRUSTEE OF )  
THE GET GOOD NONEXEMPT TRUST, AND )  
JAMES D. DONDERO, )  
 )  
Defendants. )  
 )  
\_\_\_\_\_ )

**AGREED ORDER GRANTING THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS’ MOTION TO FURTHER EXTEND THE STAY OF THE ADVERSARY PROCEEDING THROUGH OCTOBER 15, 2021**

Upon consideration of *The Official Committee of Unsecured Creditors’ Motion to Further Stay the Adversary Proceeding through October 15, 2021* [A.P. Docket No. 70] (the “Motion”),<sup>2</sup>

**IT IS HEREBY ORDERED** that:

1. The Motion is **GRANTED** as set forth herein.
2. The Adversary Proceeding,<sup>3</sup> including any current response deadlines and hearing dates, is further stayed through and including October 15, 2021 (the “Stay”).
3. The Litigation Trustee (as defined in the Plan), which is substituted as plaintiff (“Plaintiff”), and defendant CLO HoldCo, Ltd. (“CLO HoldCo”) shall meet and confer in an effort to resolve any disputes concerning monies held in the Court’s registry (the “Registry Funds”) pursuant to the Court’s *Order Denying Motion for Remittance of Funds Held in Registry of Court* [Docket No. 825]. If Plaintiff and CLO HoldCo are unable to reach resolution concerning the Registry Funds, then, notwithstanding Paragraph 2 of this Order, the Stay shall not affect the rights of Plaintiff or CLO HoldCo

<sup>2</sup> On August 11, 2021, the Debtor’s Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. [Docket No. 1472] (as may be amended, supplemented, or otherwise modified from time to time, the “Plan”) went effective (the “Effective Date”). On the Effective Date, the official committee of unsecured creditors in the above-referenced bankruptcy case was dissolved pursuant to the terms of the Plan. (Plan at 47.) Pursuant to the terms of the Plan, the Litigation Sub-Trust (as defined in the Plan) was formed and the Litigation Trustee is now tasked with prosecuting this Adversary Proceeding. (See *id.* at 26; Debtor’s Notice of Filing of Plan Supplement to the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (with Technical Modifications) [Docket No. 1811], Exhibit T [Docket No. 1811-4 at Article II, Section 2.2].)

<sup>3</sup> Capitalized terms used but not defined herein shall have the respective meanings given to them in the Motion.

with respect to the Registry Funds, and either shall be free to seek further relief from this Court relating to the Registry Funds.

4. This Court shall retain jurisdiction over all matters arising from or relating to the interpretation or implementation of this Order.

### End of Order ###

AGREED AS TO FORM, ENTRY, AND SUBSTANCE:

**SIDLEY AUSTIN LLP**

*/s/ Paige Holden Montgomery*

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-and-

Matthew A. Clemente (admitted *pro hac vice*)  
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-and-

QUINN EMANUEL URQUHART &  
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Susheel Kirpalani (*pro hac vice* pending)  
Deborah J. Newman (*pro hac vice* pending)  
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pending)  
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*Counsel for Marc S. Kirschner, as Litigation  
Trustee of the Highland Capital  
Management, L.P. Litigation Sub-Trust*

**KELLY HART PITRE**

*/s/ Louis M. Phillips*

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And

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*Counsel for CLO Holdco, Ltd. and Highland  
Dallas Foundation, Inc.*

United States Bankruptcy Court  
Northern District of Texas

Official Committee of Unsecured Creditor,  
Plaintiff  
CLO Holdco, Ltd.,  
Defendant

Adv. Proc. No. 20-03195-sgj

## CERTIFICATE OF NOTICE

District/off: 0539-3

User: mmathews

Page 1 of 2

Date Rcvd: Aug 23, 2021

Form ID: pdf001

Total Noticed: 4

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 Aug 25, 2021:**

Recip ID	Recipient Name and Address
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996

TOTAL: 1

**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	Aug 23 2021 20:43:00	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	Aug 23 2021 20:43:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Aug 23 2021 20:43:00	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: Aug 25, 2021

Signature:           /s/Joseph Speetjens          

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**CM/ECF NOTICE OF ELECTRONIC FILING**

District/off: 0539-3  
Date Rcvd: Aug 23, 2021

User: mmathews  
Form ID: pdf001

Page 2 of 2  
Total Noticed: 4

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 23, 2021 at the address(es) listed below:

Name	Email Address
Bryan C. Assink	on behalf of Defendant James D. Dondero bryan.assink@bondsellis.com
Douglas S. Draper	on behalf of Defendant The Get Good Nonexempt Trust ddraper@hellerdraper.com dhepting@hellerdraper.com;vgamble@hellerdraper.com;mlandis@hellerdraper.com;gbrouphy@hellerdraper.com
Douglas S. Draper	on behalf of Defendant The Dugaboy Investment Trust ddraper@hellerdraper.com dhepting@hellerdraper.com;vgamble@hellerdraper.com;mlandis@hellerdraper.com;gbrouphy@hellerdraper.com
John J. Kane	on behalf of Defendant Grant James Scott III jkane@krcl.com ecf@krcl.com;jkane@ecf.courtdrive.com
Louis M. Phillips	on behalf of Defendant Highland Dallas Foundation Inc. louis.phillips@kellyhart.com, june.alcantara-davis@kellyhart.com;Amelia.Hurt@kellyhart.com
Louis M. Phillips	on behalf of Defendant CLO Holdco Ltd. louis.phillips@kellyhart.com, june.alcantara-davis@kellyhart.com;Amelia.Hurt@kellyhart.com
Paige Holden Montgomery	on behalf of Plaintiff Official Committee of Unsecured Creditors pmontgomery@sidley.com txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;crognes@sidley.com;ebromagen@sidley.com;efilingnotice@sidley.com
William R. Howell, Jr.	on behalf of Defendant James D. Dondero william.howell@bondsellis.com williamhowell@utexas.edu

TOTAL: 8