

No. 21-10449
IN THE
United States Court of Appeals for the Fifth Circuit

In the Matter of: Highland Capital Management, L.P. Debtor
NexPoint Advisors, L.P.; Highland Capital Management Fund Advisors,
L.P.; Highland Income Fund; NexPoint Strategic Opportunities Fund;
Highland Global Allocation Fund; NexPoint Capital, Incorporated; James
Dondero; The Dugaboy Investment Trust; Get Good Trust,
Appellants ,

vs.

Highland Capital Management, L.P.,
Appellee.

*On appeal from the United States Bankruptcy Court for
the Northern District of Texas at No. 19-34054-sgj11*

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME OF AP-
PELLANTS HIGHLAND INCOME FUND, NEXPOINT STRATE-
GIC OPPORTUNITIES FUND, HIGHLAND GLOBAL ALLOCA-
TION FUND AND NEXPOINT CAPITAL, INC.**



CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Fifth Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Appellants

Highland Income Fund; NexPoint Strategic Opportunities Fund; Highland Global Allocation Fund; and NexPoint Capital, Inc.

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Appellee

Highland Capital Management, L.P.

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Other Appellants:

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2. Get Good Trust

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October 13, 2021

/s/ David R. Fine

Appellants Highland Income Fund; NexPoint Strategic Opportunities Fund; Highland Global Allocation Fund; and NexPoint Capital, Inc. (collectively, the “Funds”), move for an extension of the time for them to respond to Appellee’s motion to dismiss appeals as equitably moot (CM/ECF Doc. 00516045149) until October 27, 2021.

1. The Funds and others have taken appeals, docketed together at No. 21-10449, from an order of the U.S. Bankruptcy Court for the Northern District of Texas confirming a bankruptcy plan of Debtor Highland Capital Management, L.P. (the “Debtor”).

2. On August 23, 2021, the Funds filed their opening merits brief.

3. On October 6, 2021, having received a consented-to extension of time, the Debtor filed its answering merits brief.

4. On October 6, 2021, the Debtor also filed a motion to dismiss the various appeals as equitably moot.

5. Because of their counsels’ ongoing work on preparing a reply merits brief as well as their other obligations, the Funds sought concurrence from the Debtor in an extension of the Funds’ date for responding to the motion to dismiss until October 27, 2021, which is the date on which

the reply merits brief is due. The Debtor has kindly concurred in that request.

6. The requested extension would not delay the ultimate resolution of this matter.

WHEREFORE, Appellants Highland Income Fund; NexPoint Strategic Opportunities Fund; Highland Global Allocation Fund; and NexPoint Capital, Inc., respectfully request that the Court grant this motion and extend their time for filing a response to the Debtor's motion to dismiss appeals as equitably moot until October 27, 2021.

October 13, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2021, I electronically filed the attached brief using the appellate CM/ECF system. I further certify that all participants in this case are registered CM/ECF users and that service will be accomplished via CM/ECF.

October 13, 2021

/s/ David R. Fine