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Jeffrey N. Pomerantz

October 20, 2021

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Via ECF Filing

Mr. Lyle W. Cayce
Clerk of the Court
United States Court of Appeals for
the Fifth Circuit
600 S. Maestri Place, Suite 115
New Orleans, LA 70130

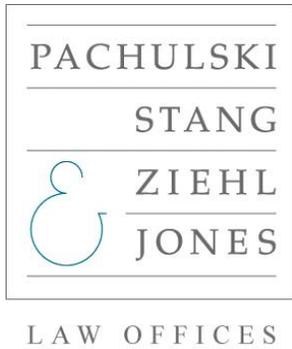
**Re: Case No. 21-10449: Appellee's Unopposed Request
for Extension to File Reply to Appellants'
Responses to Appellee's Motion to Dismiss Appeals
as Equitably Moot**

Dear Mr. Cayce:

The undersigned is counsel of record to the Appellee, Highland Capital Management L.P., in the above-numbered action. I am writing to request a consensual extension of the date for the filing of Appellee's Reply to Appellants' Responses to Appellee's Motion to Dismiss Appeals as Equitably Moot to November 10, 2021. Three of the four groups of Appellants (Mr. Dondero, the Advisors and the Trust) filed their Response to the Motion to Dismiss on October 18, 2021, and the fourth group of Appellants (the Funds) has received an extension of time to file their Response until October 27, 2021. Each of the Appellants have agreed that Appellee's Reply to the Responses should be on the same schedule and therefore, have agreed to extend the date for Appellee to file its consolidated Reply to November 10, 2021.

I have conferred with counsel for the Appellants regarding this request. Specifically, I have conferred with (i) A. Lee Hogewood of K&L Gates LLP on behalf of Highland Income Fund, NexPoint Strategic Opportunities Fund, and NexPoint Capital, Inc.; (ii) Clay M. Taylor of Bonds Ellis Eppich Schafer Jones, LLP, on behalf of James Dondero; (iii) Douglas S. Draper of Heller Draper & Horn, LLC, on





Mr. Lyle W. Cayce
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behalf of The Dugaboy Investment Trust and The Get Good Trust; and (iv) Julian P. Vasek of Munsch Hardt Kopf & Harr, P.C., on behalf of NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P.

The parties agree that because Appellee will be responding to two Responses filed on different dates, it would be more efficient and benefit the Court if Appellee filed one consolidated Reply. Accordingly, all the parties, agree to the requested extension.

This request is not made for purposes of delay or advantage, but solely so that justice may be done.

Therefore, the Appellee respectfully requests that the deadline for it to file its Reply to Appellants' Responses to Appellee's Motion to Dismiss Appeals as Equitably Moot be extended through November 10, 2021.

Very truly yours,

/s/ Jeffrey N. Pomerantz

Jeffrey N. Pomerantz

JNP:je

cc: A. Lee Hogewood III, David R. Fine, Clay M. Taylor,
Douglas S. Draper, Julian P. Vasek (via CMECF)

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
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October 21, 2021

Mr. Zachery Z. Annable
Hayward, P.L.L.C.
10501 N. Central Expressway
Suite 106
Dallas, TX 75231-0000

No. 21-10449 NexPoint v. Highland Capital Management
USDC No. 19-34054
USDC No. 3:21-CV-538

Dear Mr. Annable,

We are taking no action on your extension request. A letter extension request cannot be filed as a motion. In addition, it is premature in light of the reply deadline does not begin to run until the last response is filed.

Sincerely,

LYLE W. CAYCE, Clerk

Lisa E. Ferrara

By: _____
Lisa E. Ferrara, Deputy Clerk
504-310-7675

cc:

Mr. Bryan Christopher Assink
Mr. Douglas Scott Draper
Mr. Roy Theodore Englert Jr.
Mr. David R. Fine
Mr. John Goerlich
Ms. Melissa Sue Hayward
Mr. George W. Hicks Jr.
Mr. A. Lee Hogewood
Ms. Emily K. Mather
Mr. Jeffrey N. Pomerantz
Mr. Davor Rukavina
Mr. Clay Marshall Taylor
Mr. Julian Preston Vasek