
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

v.

HIGHLAND CAPITAL MANAGEMENT, L.P.

APPELLEE

ON DIRECT APPEAL FROM THE UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF TEXAS (CASE NO. 19-34054-11-SGJ)

APPELLEE'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
CONSOLIDATED REPLY TO APPELLANTS' RESPONSES TO APPELLEE'S
MOTION TO DISMISS APPEALS AS EQUITABLY MOOT

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CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities, as described in the fourth sentence of 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.

1. **Appellants:**

**NexPoint Advisors, L.P.
Highland Capital Management Fund Advisors, L.P. (collectively, the
“Advisors”)**

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Highland Global Allocation Fund
NexPoint Capital, Inc. (collectively, the “Funds”)**

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Get Good Trust
The Dugaboy Investment Trust (collectively, the “Trusts”)

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2. **Appellee (Debtor):**

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/s/Zachery Z Annable
Zachery Z. Annable

Appellee and Debtor Highland Capital Management, L.P. (“Debtor” or “Highland”) respectfully moves this Court for 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.

1. Appellants have appealed from an order of the United States Bankruptcy Court for the Northern District of Texas confirming Highland’s plan of reorganization.

2. On October 6, 2021, in addition to its Brief of Appellee on the merits of the appeal, Highland filed a Motion to Dismiss Appeal as Equitably Moot (the “Motion to Dismiss”).

3. Three of the four groups of Appellants (Mr. Dondero, the Advisors and the Trusts) filed a consolidated Response to the Motion to Dismiss on October 18, 2021, and the fourth group of Appellants (the Funds) received an extension of the time to file its Response until October 27, 2021, and the Funds have now filed their Response.

4. Each of the Appellants has 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. 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.

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

WHEREFORE, 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 and including November 10, 2021.

Dated this 27th day of October, 2021.

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CERTIFICATE OF CONFERENCE

Pursuant to Fifth Circuit Rules 26(b) and 27, the undersigned certifies that on October 20, 2021, he conferred with counsel for the Appellants as set forth below and each has consented to the relief requested in the foregoing Motion.

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/s/ Jeffrey N. Pomerantz

Jeffrey N. Pomerantz

CERTIFICATE OF COMPLIANCE

1. This document complies with the word limit of FED. R. APP. P. 5(c)(1) because, including footnotes and excluding the parts of the document exempted by FED. R. APP. P. 32(f), this document contains 284 words.
2. This document complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word, typeface Times New Roman, 14-point type (12-point for footnotes).
3. Any required privacy redactions have been made pursuant to Circuit Rule 25.2.13, the electronic submission is an exact copy of the paper submission, and this document has been scanned for viruses and is free of them.

/s/Zachery Z. Annable

Attorney for Appellee

Dated: October 27, 2021

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2021, the foregoing motion was electronically filed 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.

/s/Zachery Z. Annable

Attorney for Appellee