







Law”) filed contemporaneously with this Motion, Plaintiff requests that the Court: (a) consolidate the Notes Actions under Case No. 3:21-1010 and (b) grant Plaintiff such other and further relief as the Court deems just and proper under the circumstances.

5. In accordance with Rule 7.1 of the *Local Civil Rules of the United States District Court for the Northern District of Texas* (the “Local Rules”), contemporaneously herewith and in support of this Motion, Plaintiff is filing: (a) its Memorandum of Law, and (b) the *Appendix in Support of Highland Capital Management L.P.’s Motion to Consolidate Notes Actions* (the “Appendix”) together with the exhibits annexed thereto.

6. Based on the exhibits annexed to the Appendix, and the arguments contained in the Memorandum of Law, Plaintiff is entitled to the relief requested herein as set forth in the Proposed Order.

7. Notice of this Motion has been provided to all parties. Plaintiff submits that no other or further notice need be provided.

WHEREFORE, Plaintiff respectfully requests that the Court (i) enter the Proposed Order substantially in the form annexed hereto as **Exhibit A** granting the relief requested herein, and (ii) grant Plaintiff such other and further relief as the Court may deem proper.

Dated: December 7, 2021

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-and-

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*/s/ Zachery Z. Annable*

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**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that, between December 2 and December 7, 2021, counsel for Highland communicated with counsel for the Defendants in the Notes Actions regarding the relief requested in the foregoing Motion. The parties were unable to reach an agreement on the relief requested in the foregoing Motion; accordingly, the Motion is opposed.

/s/ Zachery Z. Annable  
Zachery Z. Annable

**EXHIBIT A**



HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,

Defendants.

§  
§ Adv. Proc. No. 21-3006-sgj  
§  
§ Case No. 3:21-cv-01378-N  
§

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,

Defendants.

§  
§ Adv. Proc. No. 21-3007-sgj  
§  
§ Case No. 3:21-cv-01379-X  
§

**ORDER GRANTING  
MOTION TO CONSOLIDATE NOTES ACTIONS**

Before the Court is *Highland Capital Management L.P.’s Motion to Consolidate Notes Actions* [Docket No. \_\_] (the “Motion”).<sup>1</sup> Having considered: (a) the Motion; (b) *Highland Capital Management, L.P.’s Memorandum of Law in Support of Motion to Consolidate Notes Actions* [Docket No. \_\_] (the “Memorandum of Law”); and (c) the *Appendix in Support of Highland Capital Management’s Motion to Consolidate Notes Actions* [Docket No. \_\_] (the “Appendix”) and the exhibits annexed thereto; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1331; and this Court having found that venue of this proceeding and the

<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Memorandum of Law.

Motion in this District is proper pursuant to 28 U.S.C. §§ 1391; and this Court having found that consolidation of the Notes Actions is warranted under Rule 42(a) of the Federal Rules of Civil Procedure because: (i) the Notes Actions involve common questions of law and fact; (ii) the Notes Actions involve common parties; (iii) the Notes Actions are pending before the same court; (iv) there is no meaningful risk of prejudice to Defendants arising from consolidation, and any such risk is far outweighed by the risk of inconsistent rulings in five separate proceedings; and (v) consolidation will conserve judicial resources and would prevent unnecessary costs and delays that would result from having the Notes Actions determined in five separate proceedings; and this Court having found that Highland's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and that no other notice need be provided; 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 upon all of the proceedings had before this Court; 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 Notes Actions are consolidated under this Court, Case No. 3:21-cv-1010.

**It is so ordered** this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

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The Honorable Ada Brown  
United States District Judge