

Deborah Deitsch-Perez
Michael P. Aigen
STINSON LLP
3102 Oak Lawn Avenue, Suite 777
Dallas, Texas 75219-4259
Telephone: (214) 560-2201
Facsimile: (214) 560-2203

*Counsel for Defendants Highland Capital Management Services, Inc.
and HCRE Partners, LLC*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
<hr/>		
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adv. Proc. No. 21-03006-sgj
	§	
vs.	§	Case No. 3:21-cv-01378-X
	§	
HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§	
	§	
Defendants.	§	
<hr/>		
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adv. Proc. No. 21-03007-sgj
	§	
vs.	§	Case No. 3:21-cv-01379-X
	§	
HCRE PARTNERS, LLC (n/k/a NEXPOINT REAL ESTATE PARTNERS, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§	
	§	
Defendants.	§	
<hr/>		



DEFENDANTS HIGHLAND CAPITAL MANAGEMENT SERVICES, INC. AND HCRE PARTNERS, LLC’S OBJECTION TO ORDER DENYING MOTIONS TO EXTEND EXPERT DISCLOSURE AND DISCOVERY DEADLINES

COME NOW, Highland Capital Management Services, Inc. (“HCMS”) and HCRE Partners, LLC (“HCRE”), Defendants in the above styled and numbered proceeding initiated by Highland Capital Management, L.P. as Plaintiff (the “Debtor”), and file this *Objection to Order Denying Motions to Extend Expert Disclosure and Discovery Deadlines* (the “Objection”). HCMS and HCRE respectfully show as follows:

I. RELIEF REQUESTED

1. On January 5, 2022, NexPoint Advisors, L.P. (“NexPoint”) filed its *Brief in Support of Objection to Order Denying Motions to Extend Expert Disclosure and Discovery Deadline* and accompanying appendix in Case No. 19-34054-sgj11, Civ. Act. No. 3:21-cv-00880-X (the “NexPoint Objection”).¹ HCRE and HCMS incorporate the context of the NexPoint Objection as if fully set forth herein.

2. As described in the NexPoint Objection, NexPoint seeks the District Court’s review of the Bankruptcy Court’s *Order Denying Motions to Extend Expert Disclosure and Discovery Deadlines* (the “Order”). NexPoint submits that, in denying NexPoint leave to extend the expert disclosure and discovery deadlines, the Order is clearly erroneous and contrary to law and should, therefore, be reconsidered and reversed by the District Court.

3. For generally the same reasons set forth in the NexPoint Objection, HCMS and HCRE request this Court grant them the same relief requested by NexPoint.

¹*Objection of NexPoint Advisors, L.P. to Order Denying Motions to Extend Expert Disclosure and Discovery Deadlines*, Case No. 21-00880-X [Doc 21]; *Brief in Support of Objection of NexPoint Advisors, L.P. to Order Denying Motions to Extend Expert Disclosure and Discovery Deadlines*, Case No. 21-00880-X [Doc 22]; *Appendix in Support of Objection of NexPoint Advisors, L.P. to Order Denying Motions to Extend Expert Disclosure and Discovery Deadlines*, Case No. 21-00880-X [Doc 23].

II. PRAYER

WHEREFORE, PREMISES CONSIDERED, HCMS and HCRE respectfully request the District Court reverse the Order and grant the Motions modifying the Scheduling Order to (i) extend the deadline to designate experts and serve expert reports; (ii) modify the Scheduling Order accordingly for the potential designation of rebuttal experts and service of rebuttal expert reports, and (iii) extend expert discovery. HCMS and HCRE also respectfully request such other and further relief as may be proper.

Dated: January 5, 2022

Respectfully submitted,

STINSON LLP

/s/ Deborah Deitsch-Perez

Deborah Deitsch-Perez

Texas State Bar No. 24036072

Michael P. Aigen

Texas State Bar No. 24012196

3102 Oak Lawn Avenue, Suite 777

Dallas, Texas 75219-4259

Telephone: (214) 560-2201

Telecopier: (214) 560-2203

Email: deborah.deitschperez@stinson.com

Email: michael.aigen@stinson.com

**ATTORNEYS FOR DEFENDANTS
HIGHLAND CAPITAL MANAGEMENT
SERVICES, INC. AND HCRE PARTNERS,
LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on January 5, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on all parties registered to receive electronic notices in this case.

/s/ Deborah Deitsch-Perez
Deborah Deitsch-Perez