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

**In re:**

**JAMES DONDERO,**

**Appellant.**

**v.**

**HIGHLAND CAPITAL MANAGEMENT, L.P.,**

**Appellee.**

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**Case No. 3:21-cv-01590-N**

**APPELLANT JAMES DONDERO’S UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO FILE REPLY BRIEF**

James D. Dondero (“Appellant”), the appellant in the above-captioned bankruptcy appeal, hereby files this *Unopposed Motion for Extension of Time to File Reply Brief* (the “Motion”) and respectfully represents as follows.

**I. BACKGROUND**

1. On June 15, 2021, Appellant filed a notice of appeal of the bankruptcy court’s *Memorandum Opinion and Order Granting In Part Plaintiff’s Motion to Hold James Dondero in Civil Contempt of Court for Alleged Violation of TRO* [Adv. Dkt. 191] entered by the United States Bankruptcy Court for the Northern District of Texas on June 7, 2021. *See* Adv. Dkt. 195.



2. On June 29, 2021, Appellant timely filed *Appellant's Designation of Items to be Included in the Record on Appeal and Statement of Issues to be Presented* [Adv. Dkt. 203]. As requested by the bankruptcy clerk, the designation was later amended to change the ordering of certain of the designated items.

3. On August 6, 2021, the bankruptcy clerk transmitted the record on appeal to this Court, but indicated that the record was deficient because certain court admitted exhibits for the hearings on 12/10/20 and 1/8/21 were not provided.

4. On August 12, 2021, Appellant filed *Appellant's Unopposed Motion to Supplement the Record on Appeal* [Docket No. 10] to address the deficiencies in the record.

5. On August 24, 2021, this Court entered the *Order Granting Appellant's Unopposed Motion to Supplement Record on Appeal* [Docket No. 12]. The order authorized Appellant to provide to the bankruptcy clerk certain supplemental items to be included in the record on appeal. The order also provided that Appellant's opening brief would be due within 30 days after the supplemental record was transmitted to this Court in accordance with Rule 8018 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

6. On September 7, 2021, the supplemental record on appeal was transmitted to this Court. *See* Docket No. 13.

7. On November 8, 2021, Appellant filed his opening brief.

8. On January 31, 2022, Appellee filed its opening brief.<sup>1</sup>

9. Under Bankruptcy Rule 8018, Appellant's reply brief is currently due by February 14, 2022.

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<sup>1</sup> Appellant and Appellee each agreed to and received extensions of time to file their opening briefs.

## II. REQUEST FOR RELIEF

10. By this Motion, Appellant respectfully requests a 30-day extension of time in which to file his reply brief.

11. Good cause exists for the requested extension. Lead counsel for Appellant, Mr. Jeffrey Levinger, has other significant matters to attend to during the next several weeks, including a trial that is expected to last several weeks. In addition, the attorneys with the undersigned firm have several other appeal briefs, as well as an upcoming trial, that they will be involved in during the next two weeks. A 30-day extension of time should provide counsel with sufficient time to address these other matters and to prepare Appellant's reply brief.

12. Undersigned counsel for Appellant has conferred with counsel for Appellee Highland Capital Management, L.P. on this extension request and counsel for Appellee has indicated that the Appellee is **unopposed** to the requested 30-day extension of time.

13. Accordingly, for the reasons set forth above, Appellant respectfully requests that this Court enter an order granting this Motion and extending the deadline for Appellant to file his reply brief from February 14, 2022 through and including March 16, 2022.

## PRAYER

WHEREFORE, Appellant respectfully requests that this Court enter an order (i) granting this Motion, (ii) extending the deadline for Appellant to file his reply brief from February 14, 2022 through and including March 16, 2022, and (iii) granting Appellant such other and further relief as may be just and proper.

Dated: February 3, 2022

Respectfully submitted,

/s/ Bryan C. Assink

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**ATTORNEYS FOR APPELLANT JAMES DONDERO**

**CERTIFICATE OF CONFERENCE**

On February 1, 2022, the undersigned counsel for Appellant conferred with John Morris, counsel for Appellee, regarding the relief requested herein. Mr. Morris stated that the Appellee is unopposed to the Motion and the requested 30-day extension.

/s/ Bryan C. Assink  
Bryan C. Assink

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on February 3, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on counsel for Debtor-Appellee Highland Capital Management, L.P. and on all other parties requesting or consenting to such service in this case.

*/s/ Bryan C. Assink* \_\_\_\_\_  
Bryan C. Assink

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Case No. 3:21-cv-01590-N

**ORDER GRANTING APPELLANT JAMES DONDERO’S UNOPPOSED  
MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF**

On this date, the Court considered the *Unopposed Motion for Extension of Time to File Reply Brief* (the “Motion”) filed by Appellant James Dondero (“Appellant”). Upon consideration of the Motion, and the fact that Appellee is unopposed to the relief requested in the Motion, the Court finds that the Motion is well taken and should be granted. Accordingly, the Court finds that just cause exists for entry of the following order. It is therefore **ORDERED** as follows:

1. The Motion is **GRANTED** as set forth herein.
2. The deadline for Appellant to file his reply brief is hereby **EXTENDED** from February 14, 2022 through and including March 16, 2022.
3. The relief granted by this Order is without prejudice for further extensions of time for cause shown.

**SO ORDERED.**

Signed February \_\_, 2022.

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HONORABLE DAVID C. GODBEY  
UNITED STATES DISTRICT JUDGE