

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

|   |   |  |
|---|---|--|
| In re:  | § |  |
|   | § |  |
| HIGHLAND CAPITAL<br>MANAGEMENT, L.P.,                         | § | Case No. 19-34054-sgj11  |
|   | § | Chapter 11   |
|   | § |  |
| Debtor.   | § |  |
| <hr/>   |   |  |
|   | § |  |
| HIGHLAND CAPITAL<br>MANAGEMENT FUND<br>ADVISORS, L.P., et al. | § |  |
|   | § |  |
| Appellants,   | § | Civ. Act. No. 3:21-cv-01895-D  |
|   | § |  |
| v.  | § | <i>Appeal from the United States<br/>Bankruptcy Court for the Northern<br/>District of Texas</i> |
|   | § |  |
| HIGHLAND CAPITAL<br>MANAGEMENT, L.P.,                         | § |  |
|   | § |  |
|   | § |  |
| Appellee.   | § |  |

**STATEMENT OF THE ISSUES ON APPEAL**

COME NOW Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., and The Dugaboy Investment Trust (the “Appellants”), creditors and parties in interest in the above-captioned bankruptcy case and appellants in the above-captioned bankruptcy appeal, and, pursuant to Fed. R. App. P. 6(b)(2)(B)(i), list the following issues for the appeal of this matter to the United States Court of Appeals for the Fifth Circuit:



1. Whether the District Court erred by affirming the *Order Approving Debtor's Motion for Entry of an Order (I) Authorizing the (A) Creation of an Indemnity Subtrust and (B) Entry into an Indemnity Trust Agreement and (II) Granting Related Relief* (the "Order"), entered by the Bankruptcy Court on July 21, 2021 in the above captioned bankruptcy case.

2. Whether the relief requested and granted in the *Debtor's Motion for Entry of an Order (I) Authorizing the Debtor to (A) Enter into Exit Financing Agreement in Aid of Confirmed Chapter 11 Plan and (B) Incur and Pay Related Fees and Expenses, and (III) Granting Related Relief* (the "Motion") constituted a plan modification.

3. Whether the relief requested and granted in the Motion satisfied the requirements of 11 U.S.C. §§ 1122, 1123, 1125 and 1127.

4. Whether the Bankruptcy Court otherwise erred by granting the Motion.

RESPECTFULLY SUBMITTED this 10th day of March, 2022.

**MUNSCH HARDT KOPF & HARR, P.C.**

By: */s/ Julian P. Vasek*

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**ATTORNEYS FOR HIGHLAND  
CAPITAL MANAGEMENT FUND  
ADVISORS, L.P. AND NEXPOINT  
ADVISORS, L.P.**

-AND-

**HELLER, DRAPER & HORN, L.L.C.**

By: */s/ Douglas S. Draper*

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**ATTORNEYS FOR THE DUGABOY  
INVESTMENT TRUST**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on this the 10th day of March, 2022, true and correct copies of this document were electronically served by the Court's ECF system on parties entitled to notice thereof, including on counsel for the Appellee.

By: /s/ Julian P. Vasek  
Julian P. Vasek, Esq.