
Case No. 22-10189

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

In the Matter of: Highland Capital Management, L.P.,

Debtor.

**HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.;
NEXPOINT ADVISORS, L.P.; THE DUGABOY INVESTMENT TRUST,**

APPELLANTS

v.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

APPELLEE

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS, Civ. Act. No. 3:21-cv-01895-D**

**APPELLEE'S UNOPPOSED MOTION FOR (I) EXTENTION OF TIME TO
FILE APPELLEE'S PRINCIPAL BRIEF AND (II) EXPANSION OF
APPELLEE'S PRINCIPAL BRIEF**

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ATTORNEYS FOR APPELLEE



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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”)**

Counsel for the Advisors:
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The Dugaboy Investment Trust

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2. **Appellee (Debtor):**

Highland Capital Management, L.P.

Counsel for Appellee:

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/s/Zachery Z. Annable

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Appellee Highland Capital Management, L.P. (“Appellee” or “Highland”) respectfully files this unopposed motion (the “Motion”) seeking an order of this Court (i) extending the deadline for the filing of Appellee’s principal brief (“Appellee’s Brief”) to July 8, 2022, and (ii) authorizing an expansion of Appellee’s Brief to a limit not exceeding 45 pages or 21,000 words.

1. Appellants commenced the above-captioned appeal (the “Appeal”) by appealing the January 28, 2022 judgment of the United States District Court for the Northern District of Texas 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* entered by the United States Bankruptcy Court for the Northern District of Texas on July 21, 2021.

2. On March 29, 2022, this Court issued its *Briefing Notice* setting May 9, 2022 as the deadline by which Appellants were required to file their principal brief.

3. On May 9, 2022, appellants NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P. filed their opening brief (the “Advisors’ Brief”) in the Appeal. Appellant The Dugaboy Investment Trust also filed its own, separate opening brief (the “Dugaboy Brief”) on May 9, 2022.

4. Due to the complexity and number of issues raised in both the Advisors’ Brief and the Dugaboy Brief, Appellee contends that a short, 30-day extension of the deadline to file Appellee’s Brief is warranted. Appellee further contends that a modest expansion of the page/word limits of Appellee’s Brief to a limit not

exceeding 45 pages or 21,000 words is warranted and should be sufficient to adequately respond to the issues addressed in the two, separate briefs filed by Appellants. As noted in the *Certificate of Conference* attached to this Motion, Appellants are unopposed to the relief requested in this Motion.

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

WHEREFORE, Appellee respectfully requests that the Court (i) grant this Motion, (ii) extend the deadline for Appellee's Brief to July 8, 2022, and (iii) expand Appellee's Brief to a limit not exceeding 45 pages or 21,000 words.

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Dated: May 13, 2022.

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Counsel for Appellee

CERTIFICATE OF CONFERENCE

Pursuant to Rules 26(b) and 27 of the Federal Rules of Appellate Procedure and this Court's local rules, the undersigned certifies that on May 12, 2022, counsel for Appellee conferred with counsel for Appellants as set forth below, and each has consented to the relief requested in the foregoing Motion.

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/s/ Jordan A. Kroop

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CERTIFICATE OF COMPLIANCE

1. This Motion complies with the word limit of FED. R. APP. P. 27(d)(2) because, including footnotes and excluding the parts of the document exempted by FED. R. APP. P. 32(f), this Motion contains 364 words.

2. This Motion 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 Motion 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 Motion has been scanned for viruses and is free of them.

/s/ Zachery Z. Annable
Zachery Z. Annable

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2022, 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
Zachery Z. Annable