

1. The Firm currently represents Mr. Dondero as appellant in this case. Mr. Jeffrey Levinger and the firm of Levinger PC also represent Mr. Dondero in this case. For the reasons set forth below, the Firm respectfully requests that the Court permit it to withdraw as Mr. Dondero's counsel in the above-captioned case.¹

2. "This court applies federal law to questions of attorney ethics, but state and national standards inform its decision." *Top Sales v. Designer Vans*, 1997 U.S. Dist. LEXIS 20347, at *2 (N.D. Tex. 1997) (citing *In re American Airlines, Inc.*, 972 F.2d 605, 610 (5th Cir. 1992)).

3. The U.S. District Court for the Northern District of Texas has adopted the Texas Disciplinary Rules of Professional Conduct. *White v. BAC Home Loans Servicing, LP*, 2010 U.S. Dist. LEXIS 60077, at *5 (N.D. Tex. 2010) (citing N.D. TEX. LOC. R. 83.8(e)).

4. Rule 1.15 of the Texas Disciplinary Rules of Professional Conduct (the "Rules") provides several grounds by which an attorney can withdraw from representing a client.

5. Specifically, subsection (b) of Rule 1.15 provides as follows:

(b) Except as required by paragraph (a), a lawyer shall not withdraw from representing a client unless:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client;

(2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes may be criminal or fraudulent;

(3) the client has used the lawyer's services to perpetrate a crime or fraud;

(4) a client insists upon pursuing an objective that the lawyer considers repugnant or imprudent or with which the lawyer has fundamental disagreement;

¹ For the avoidance of doubt, the Firm also seeks to withdraw as Mr. Dondero's counsel in the related civil action number 3:21-cv-01979-S, which was the separate case commenced by the filing of Mr. Dondero's appeal. This Court previously consolidated that appeal with the above-captioned appeal filed by the other appellants.

(5) the client fails substantially to fulfill an obligation to the lawyer regarding the Lawyer's services, including an obligation to pay the lawyer's fee as agreed, and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

6. Here, good cause exists for the Firm's withdrawal under subsection (b)(1) because withdrawal can be accomplished without material adverse effect on Mr. Dondero's interests.

7. First, cause exists to allow the Firm to withdraw as counsel under section (b)(1) because Mr. Dondero has other counsel in this matter that is representing him, so the Firm's withdrawal in this case will not impose a material adverse effect on Mr. Dondero's interests. Jeffrey Levinger and the firm of Levinger PC presently represent Mr. Dondero in this case and will continue to do so if and when the Court permits the Firm to withdraw. In addition, this case has been fully briefed and is awaiting decision.

8. The contact information for Mr. Dondero's counsel at Levinger PC is as follows:

Jeffrey S. Levinger
LEVINGER PC
1700 Pacific Avenue, Suite 2390
Dallas, Texas 75201
Tel: (214) 855-6817
Email: jlevinger@levingerpc.com

9. Second, good cause exists to allow the Firm to withdraw because Mr. Dondero has consented to the Firm withdrawing in this case and is unopposed to the relief requested by this Motion.

10. Moreover, the Firm has consulted with the attorneys representing the Appellee in this action and they are also unopposed.

11. Therefore, based on the agreement of both the withdrawing counsel's client, and that of the client's opponent, good cause exists for allowing the withdrawal.

CONCLUSION

For the reasons set forth above, the Firm respectfully requests that this Court enter an order (i) authorizing the Firm, including all of its attorneys, to withdraw as counsel for Mr. Dondero in the above-captioned case²; and (ii) granting the Firm such other and further relief to which it may be entitled.

Dated: August 16, 2022

Respectfully submitted,

/s/ Clay M. Taylor

John T. Wilson IV

State Bar I.D. No. 24033344

Clay M. Taylor

State Bar I.D. No. 24033261

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COUNSEL FOR APPELLANT JAMES DONDERO

² As well as civil action number 3:21-cv-01979-S.

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that, on or about July 25, 2022, I conferred with Mr. Dondero regarding the relief requested herein. Mr. Dondero indicated that he is unopposed and consents to the Firm withdrawing as his counsel in this matter.

I, the undersigned, further certify that, on August 8, 2022, I conferred with Mr. John Morris, counsel for Appellee Highland Capital Management, L.P., regarding the relief requested herein. Mr. Morris indicated that Highland is unopposed to the relief requested in this Motion.

/s/ Clay M. Taylor _____
Clay M. Taylor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on August 16, 2022, a true and correct copy of this document was served via the Court's CM/ECF system on all parties requesting such service in this case and by direct email on Mr. Dondero.

/s/ Clay M. Taylor _____
Clay M. Taylor

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

In re:	§	
	§	
JAMES DONDERO, THE CHARITABLE	§	
DAF FUND, LP; CLO HOLDCO LTD;	§	
MARK PATRICK; SBAITI & COMPANY	§	
PLLC; MAZIN A SBAITI; AND JONATHAN	§	
BRIDGES,	§	
	§	
Appellants.	§	
	§	
v.	§	
	§	Civil Action No. 3:21-cv-01974-X
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Appellee.	§	

**ORDER GRANTING UNOPPOSED MOTION TO
WITHDRAW AS COUNSEL FOR APPELLANT JAMES DONDERO**

On this date, the Court considered the *Unopposed Motion to Withdraw as Counsel for Appellant James Dondero* (the “Motion”)¹ filed by John T. Wilson IV, Clay M. Taylor, Bryan C. Assink, and the firm of Bonds Ellis Eppich Schafer Jones LLP (collectively, the “Firm”), requesting that this Court authorize the Firm to withdraw as counsel for James Dondero (“Mr. Dondero”) in the above-captioned case. Upon consideration of 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 hereby **GRANTED**.

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Motion.

2. The Firm, including each of its attorneys, are permitted to withdraw as counsel for Mr. Dondero in the above-captioned case² and are deemed withdrawn effective as of the entry of this Order.

3. The Clerk of this Court and all parties are directed to remove the Firm and each of the Firm's attorneys as attorneys for Mr. Dondero on the docket in this case.

² For the avoidance of doubt, the Firm is also deemed withdrawn in the consolidated civil action number 3:21-cv-01979-S.