



HCRE Partners, LLC) (“NexPoint Real Estate”) (collectively, the “Defendants” and together with Highland, the “Parties”), on the other hand; and this Court having considered (i) the Motion and (ii) the *Stipulation Regarding Briefing on Highland Capital Management, L.P.’s Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief* (the “Stipulation”) executed by the Parties and attached to the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establishes good cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is hereby **ORDERED** that

1. The Motion is **GRANTED** as set forth herein.
2. The Stipulation, a copy of which is attached to this Order as **Exhibit 1**, is approved in all respects.
3. On the condition that the Court enters orders granting the Other Motions (as defined in the Stipulation), responses to Plaintiff’s Vexatious Litigant Motion will be due on December 15, 2023, or such later date as the Parties shall agree in writing.
4. The Court shall retain exclusive jurisdiction to hear and determine all matters and disputes arising from the interpretation and implementation of this Order.

**IT IS SO ORDERED** this 3rd day of August, 2023.

  
\_\_\_\_\_  
THE HONORABLE BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE

# **EXHIBIT 1**



Highland Capital Management Services, Inc. and NexPoint Real Estate Partners, LLC (collectively, “Defendants” and together with Highland, the “Parties”), on the other hand.

**RECITALS**

WHEREAS, the above-captioned cases were consolidated in this Court to, among other things, review certain reports and recommendations from the Bankruptcy Court; and

WHEREAS, on July 14, 2023, Plaintiff filed its *Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief in this Court* [Docket No. 136] (“Plaintiff’s Vexatious Litigant Motion”); and

WHEREAS, the Parties are simultaneously seeking additional relief in this Action in the form of their (a) *Joint Agreed Emergency Motion for Order Approving Stipulation Regarding Finality of Judgments and Entering Amended Final Judgments in Note Actions* and (b) *Joint Agreed Emergency Motion for Order Approving Stipulation Concerning the Bonding of Judgments and Stays of Executions Pending Appeals* (together, the “Other Motions”); and

WHEREAS, due to the significant number of parties identified by Plaintiff in Plaintiff’s Vexatious Litigation Motion<sup>1</sup> and as a further compromise of certain issues including those reflected in the Other Motions, the Parties have conferred in good faith and agree that, subject to the Court’s approval, none of the people or entities against whom Highland seeks relief shall be required to respond to Plaintiff’s Vexatious Litigant Motion, except as set forth below.

---

<sup>1</sup> See *Highland Capital Management, L.P.’s Memorandum of Law in Support of Its Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief* [Docket No. 137] at 1, n.2 (Plaintiff’s definition of alleged “Dondero Entities” against whom relief is sought).

**STIPULATION**

NOW, THEREFORE, in consideration of the foregoing, and subject to the Court's approval, the Parties agree and stipulate as follows:

1. On the condition that the Court enters orders granting the Other Motions, responses to Plaintiff's Vexatious Litigant Motion will be due on December 15, 2023, or such later date as the Parties shall agree in writing.<sup>2</sup>

[Remainder of Page Intentionally Blank]

---

<sup>2</sup> The Parties agree that Defendants' entry into this Stipulation shall not be used to argue that any party is a Dondero Entity or that any party consents to the jurisdiction of the Court (other than with respect to those matters for which the reference was previously withdrawn) or this Court's jurisdiction over the Plaintiff's Vexatious Litigant Motion.

Dated: August 1, 2023

CONSENTED AND AGREED TO BY:

/s/ Deborah Deitsch-Perez

Deborah Deitsch-Perez  
State Bar No. 24036072  
Michael P. Aigen  
State Bar No. 24012196  
STINSON LLP  
2200 Ross Avenue, Suite 2900  
Dallas, Texas 75201  
(214) 560-2201 telephone  
(214) 560-2203 facsimile  
Email: [deborah.deitschperez@stinson.com](mailto:deborah.deitschperez@stinson.com)  
Email: [michael.aigen@stinson.com](mailto:michael.aigen@stinson.com)

/s/ John A. Morris

John A. Morris (*pro hac vice*)  
(NY Bar No. 266326)  
PACHULSKI STANG ZIEHL & JONES  
LLP  
10100 Santa Monica Blvd., 13<sup>th</sup> Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Email: [jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)

*Attorneys for Debtor Highland Capital  
Management, LP*

*Attorneys for James Dondero, NexPoint Asset  
Management, L.P., NexPoint Advisors, L.P.,  
Highland Capital Management Services, Inc. and  
NexPoint Real Estate Partners, LLC*

SO ORDERED:

---

U.S.D.J

**STIPULATION REGARDING BRIEFING ON HIGHLAND  
CAPITAL MANAGEMENT, L.P.'S MOTION TO DEEM THE  
DONDERO ENTITIES VEXATIOUS LITIGANTS AND FOR RELATED RELIEF – PAGE 4**

DOCS\_NY:48080.4 36027/003  
CORE/3522697.0002/183423254.7  
DOCS\_NY:48108.2 36027/003