



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed November 20, 2023

Henry G. C. [Signature]
United States Bankruptcy Judge

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

In re:)	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹)	Case No. 19-34054-sgj11
Reorganized Debtor.)	
DUGABOY INVESTMENT TRUST and HUNTER MOUNTAIN INVESTMENT TRUST,)	Adv. Pro. No. 23-03038-sgj
Plaintiffs,)	
vs.)	
HIGHLAND CAPITAL MANAGEMENT, L.P. and HIGHLAND CLAIMANT TRUST,)	
Defendants.)	

**ORDER APPROVING
STIPULATION AND PROPOSED SCHEDULING ORDER**

¹ The Reorganized Debtor's last four digits of its taxpayer identification service address for the Reorganized Debtor is 100 Crescent Court, Suite 18



Having considered the *Stipulation and Proposed Scheduling Order* [Docket No. 7] (the “Stipulation”), a copy of which is attached as **Exhibit A**, filed by Highland Capital Management, L.P., the reorganized debtor in the above-referenced bankruptcy case (“Highland”), and the Highland Claimant Trust (the “Trust,” and together with Highland, the “Defendants”) on the one hand, and The Dugaboy Investment Trust (“Dugaboy”) and Hunter Mountain Investment Trust (“HMIT,” and together with Dugaboy, the “Plaintiffs,” and collectively with the Defendants, the “Parties”) on the other hand,

IT IS HEREBY ORDERED THAT:

1. The Stipulation is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of the Stipulation and this Order.

###End of Order###

EXHIBIT A

PACHULSKI STANG ZIEHL & JONES LLP
Jeffrey N. Pomerantz (CA Bar No.143717) (*admitted pro hac vice*)
John A. Morris (NY Bar No. 2405397) (*admitted pro hac vice*)
Gregory V. Demo (NY Bar No. 5371992) (*admitted pro hac vice*)
Hayley R. Winograd (NY Bar No. 5612569) (*admitted pro hac vice*)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760

HAYWARD PLLC
Melissa S. Hayward
Texas Bar No. 24044908
MHayward@HaywardFirm.com
Zachery Z. Annable
Texas Bar No. 24053075
ZAnnable@HaywardFirm.com
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Tel: (972) 755-7100
Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P.
and the Highland Claimant Trust*

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

)	
In re:)	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹)	Case No. 19-34054-sgj 11
Reorganized Debtor.)	
)	
DUGABOY INVESTMENT TRUST and HUNTER MOUNTAIN INVESTMENT TRUST,)	Adv. Pro. No. 23-03038-sgj
Plaintiffs,)	
vs.)	
HIGHLAND CAPITAL MANAGEMENT, L.P. and HIGHLAND CLAIMANT TRUST,)	
Defendants.)	
)	

STIPULATION AND PROPOSED SCHEDULING ORDER

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (8357). The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

This stipulation (the “Stipulation”) is made and entered into between Highland Capital Management, L.P., the reorganized debtor in the above-referenced bankruptcy case (“Highland”), and the Highland Claimant Trust (the “Trust,” and together with Highland, the “Defendants”), on the one hand, and The Dugaboy Investment Trust (“Dugaboy”) and Hunter Mountain Investment Trust (“HMIT,” and together with Dugaboy, the “Plaintiffs,” and collectively with the Defendants, the “Parties”), on the other hand, by and through their respective undersigned counsel.

RECITALS

WHEREAS, on April 20, 2023, James Dondero and certain of his affiliates (collectively, the “Dondero Parties”) filed their *Motion to Stay and to Compel Mediation* [Bankr. Docket No. 3752] (the “Mediation Motion”).

WHEREAS, on May 10, 2023, Plaintiffs commenced the above-captioned adversary proceeding (the “Action”) against Highland and the Trust by filing their *Complaint to (I) Compel Disclosures About the Assets of the Highland Claimant Trust and (II) Determine (A) Relative Value of Those Assets, and (B) Nature of Plaintiffs’ Interests in the Claimant Trust* [Docket No. 1] (the “Complaint”).

WHEREAS, on August 2, 2023, the Mediation Motion was granted, in part [Bankr. Docket No. 3897] (the “Mediation Order”). Pursuant to the Mediation Order, the Action was stayed until the Mediator² filed his Report with the Court stating whether a settlement has been reached.

WHEREAS, on November 7, 2023, the Report was filed with the Court stating that no settlement was reached. *See Joint Notice of Mediation Report* [Bankr. Docket No. 3964].

² Capitalized terms not defined herein shall take on the meanings ascribed thereto in the Mediation Order.

WHEREAS, in compliance with the Mediation Order, and subject to the Bankruptcy Court's approval, the Parties have conferred in good faith to adopt a scheduling order (the "Proposed Joint Scheduling Order"), as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following Proposed Joint Scheduling Order:

<i>Proposed Joint Scheduling Order</i>	
<u>Event</u>	<u>Deadline</u>
1. Defendants File their Motion to Dismiss Complaint	November 22, 2023
2. Plaintiffs File their Response to Motion to Dismiss	December 22, 2023
3. Defendants File their Reply in Support of Motion to Dismiss	January 12, 2024
4. Hearing on Motion to Dismiss (via Webex)	On or after January 22, 2024

2. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

[Remainder of Page Intentionally Blank]

Dated: November 13, 2023

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No. 143717)
John A. Morris (NY Bar No. 2405397)
Gregory V. Demo (NY Bar No. 5371992)
Hayley R. Winograd (NY Bar No. 5612569)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067
Telephone: (310) 277-6910
Facsimile: (310) 201-0760
Email: jpomerantz@pszjlaw.com
jmorris@pszjlaw.com
gdemo@pszjlaw.com
hwinograd@pszjlaw.com

-and-

HAYWARD PLLC

/s/ Zachery Z. Annable

Melissa S. Hayward
Texas Bar No. 24044908
MHayward@HaywardFirm.com
Zachery Z. Annable
Texas Bar No. 24053075
ZAnnable@HaywardFirm.com
10501 N. Central Expy, Ste. 106
Dallas, Texas 75231
Tel: (972) 755-7100
Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P. and the
Highland Claimant Trust*

STINSON LLP

/s/ Michael P. Aigen

Deborah Deitsch-Perez

Texas Bar No. 24036072

Michael P. Aigen

Texas Bar No. 24012196

2200 Ross Avenue, Suite 2900

Dallas, Texas 75201

Telephone: (214) 560-2201

Facsimile: (214) 560-2203

Email: deborah.deitschperez@stinson.com

Email: michael.aigen@stinson.com

*Counsel for The Dugaboy Investment Trust
and the Hunter Mountain Investment Trust*