

CASE NO. 3:23-cv-02071-E

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

**IN RE: HIGHLAND CAPITAL MANAGEMENT, L.P.,
*Reorganized Debtor***

**HUNTER MOUNTAIN INVESTMENT TRUST,
Appellant,**

v.

HIGHLAND CAPITAL MANAGEMENT, L.P., et al

Appellees.

**On Appeal from the United States Bankruptcy Court for the Northern
District of Texas, Case No. 19-34054-slg11
The Honorable Judge Jernigan, Presiding**

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S OPENING BRIEF**

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Attorneys for Appellant

Appellant Hunter Mountain Investment Trust (“HMIT” or “Appellant”) moves this Court for a fourteen (14) day extension of time in which to file Appellant’s opening brief in this appeal of the Bankruptcy Court’s Memorandum Opinion and Order Pursuant to Plan “Gatekeeper Provision” and Pre-Confirmation “Gatekeeper Orders”: Denying Hunter Mountain Investment Trust’s Emergency Motion for Leave to File Verified Adversary Proceeding [Bankr. Dkt. 3903], Order Denying Motion of Hunter Mountain Investment Trust Seeking Relief Pursuant to Federal Rules of Bankruptcy Procedure 7052, 9023, and 9024 [Bankr. Dkt. 3936], and related interlocutory orders (collectively, the “Order Denying Leave”). Appellant represents as follows:

1.

On December 7, 2023, the Transmittal and Certification of Record on Appeal was filed, along with 42 out of 43 volumes of the appellate record which were also transmitted to this Court. However, this did not include Volume 1 of the Appellate Record, which contains approximately 1608 pages. *See* Dkt. 23-1. The complete record was not transferred to this Court until December 18, 2023, when the Bankruptcy Clerk transferred, “Volume 1 Mini Record, with 1608 Pages” to this Court. *See* Dkt. 24 and Dkt. 24-1. At the earliest, Appellants’ opening brief is due Saturday, January 6, 2024, which results in a deadline on Monday, January 8, 2024.

See Fed. R. Bankr. P. 8018(a)(1) (appellant must “serve and file a brief within 30 days after the docketing of notice that the record has been transmitted”).

2.

Due to the partial record omission and subsequent delay in transmittal, holidays, and other scheduling conflicts involving Appellant’s counsel, Appellant seeks a fourteen (14) day extension of the January 8, 2024 deadline to file its opening brief. Appellant’s counsel has conferred with Appellees’ counsel regarding this requested extension to and including Monday, January 22, 2024. Appellees’ counsel does not oppose this request. Appellant has agreed to Appellees’ request for a reciprocal fourteen (14) day extension to file their responsive briefs, which results in a deadline of March 6, 2024.

For the above reasons, Appellant respectfully requests a fourteen (14) day extension of time to file its opening brief to and including January 22, 2024, and that the deadline for Appellees to file their responsive briefs is extended to and including March 6, 2024. As indicated above, this request is not opposed by Appellees.

DATED: December 29, 2023

Respectfully Submitted,

**PARSONS MCENTIRE MCCLEARY
PLLC**

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*Counsel for Appellant, Hunter
Mountain Investment Trust*

CERTIFICATE OF CONFERENCE

I hereby certify that on December 27, 2023, I conferred with counsel for all Appellees, who all indicated that Appellees are unopposed to the requested fourteen (14) day extension of Appellant's opening brief deadline to and including January 22, 2024.

/s/Sawnie A. McEntire
Sawnie A. McEntire

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2024, a true and correct copy of the foregoing document was served electronically upon all parties via the Court's CM/ECF system.

/s/Sawnie A. McEntire
Sawnie A. McEntire

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Reorganized Debtor.

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ORDER

Having considered the Unopposed Motion for Extension of Time to File Opening Brief filed by Appellant, Hunter Mountain Investment Trust’s (“HMIT” or “Appellant”), the Court finds and concludes that the relief requested by Appellant in the Motion is warranted. Therefore,

IT IS ORDERED that the deadline for Appellant to file its opening brief is extended to and including January 22, 2024, and the deadline for Appellees to file their responsive briefs is extended to and including March 6, 2024.

SO ORDERED this ____ day of _____, 20__

The Honorable Judge Ada Brown,
United States District Court Judge