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

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

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

**APPENDIX IN SUPPORT OF THE DUGABOY INVESTMENT TRUST AND HUNTER MOUNTAIN INVESTMENT TRUST’S RESPONSE TO THE HIGHLAND PARTIES’ MOTION TO DISMISS 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’ INTEREST IN THE CLAIMANT TRUST**



Dugaboy Investment Trust and Hunter Mountain Investment Trust file this Appendix in Support of its Response to the Highland Parties' Motion to Dismiss Complaint and requests the Court take judicial notice of the documents contained herein.

Ex.	Date	Case	Dkt.	Document	Appendix Page(s)
1	3/17/22			Article: Amazon closes deal to buy MGM movie studio	App. 01-04
2	5/12/22			Article: ScionHealth Announces Definitive Agreement to Acquire Cornerstone Healthcare Group	App. 05-09
3	8/10/22			Article: CCS Announces Company Expansion Focused on Accelerating Innovation in Home-Based Diabetes Care Management	App. 10-14
4	9/1/22			Article: Builders FirstSource Closes Acquisition of Trussway	App. 15-17
5	6/1/23	21-00881	158	Notice of Appeal to United States Court of Appeals for the Fifth Circuit	App. 18-21

Dated: December 29, 2023

Respectfully submitted,

/s/ Deborah Deitsch-Perez

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

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 29, 2023, a true and correct copy of this document was served electronically via the Court's CM/ECF system to the parties registered or otherwise entitled to receive electronic notices in this case.

*/s/Deborah Deitsch-Perez* \_\_\_\_\_

Deborah Deitsch-Perez

# Exhibit 1



MEDIA

# Amazon closes deal to buy MGM movie studio

PUBLISHED THU, MAR 17 2022-9:55 AM EDT UPDATED THU, MAR 17 2022-10:32 AM EDT



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## KEY POINTS

Amazon on Thursday said it had closed its \$8.5 billion deal to buy MGM, combining the fabled movie maker behind “Rocky” and “James Bond” with the online retailing giant.

Its decision to close comes after a deadline passed for the U.S. Federal Trade Commission to challenge the deal.

MGM bolsters Amazon Prime Video’s offering with more than 4,000 film titles.

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Pavlo Gonchar | LightRocket | Getty Images

[Amazon](#) on Thursday said it had closed its \$8.5 billion deal to buy MGM, combining the fabled movie maker behind “Rocky” and “James Bond” with the online retailing giant as it looks to draw consumers through more streaming video.

In a statement, Amazon said it would welcome all MGM employees to the company and work with the studio’s leadership, indicating there would not be layoffs. Its decision to close comes after a deadline passed for the U.S. Federal Trade Commission to challenge the deal.

The Seattle-based retailer announced the transaction in May 2021, saying MGM offered a trove of content to draw consumers to its fast-shipping and streaming club Prime, which costs \$14.99 per month in the United States.

Nearly a year later, Amazon is clear of regulatory hurdles. The European Commission approved the deal Tuesday, with no conditions. Likewise, Amazon earlier informed the FTC that it had “substantially complied” with requests for information about the deal.

The FTC declined comment.

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year's Oscar-nominated [Licence to Kill](#) and a long list of television shows that may help Amazon compete with streaming rivals [Netflix](#) and [Disney](#) +.

Hopkins praised MGM's "broad slate of original films and television shows."

"We welcome MGM employees, creators, and talent to Prime Video and Amazon Studios, and we look forward to working together to create even more opportunities to deliver quality storytelling," he said in a statement.

The FTC has a broader probe open into Amazon as part of government antitrust investigations begun under the Trump administration into the four big tech platforms, including Facebook and Google.

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In this article

AMZN +0.82 (+0.54%)

TRENDING NOW



Mark Cuban shares the No. 1 jargon word he hates most: 'You sound stupid ... trying to sound smart'



Couple has \$520,000 in debt—and wife had no idea: 'We've been living a life we shouldn't be living'



Former Trump lawyer Rudy Giuliani files for bankruptcy protection, lists more than \$100M in debts

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# Exhibit 2

# ScionHealth Announces Definitive Agreement to Acquire Cornerstone Healthcare Group

NEWS PROVIDED BY  
**ScionHealth** →  
12 May, 2022, 15:00 ET



ScionHealth Logo (PRNewfoto/ScionHealth)



Cornerstone Healthcare Group Logo

*Combination strengthens ScionHealth's position as a leading healthcare delivery network committed to investing in community healthcare*

LOUISVILLE, Ky. and DALLAS, May 12, 2022 /PRNewswire/ -- ScionHealth and Cornerstone Healthcare Group ("Cornerstone") today announced that they have entered into a definitive agreement for ScionHealth to acquire Cornerstone. The combination of the two patient-focused and quality-driven organizations will strengthen ScionHealth's position as a leading healthcare delivery network, expanding services, resources, and expertise to grow and invest in the health and well-being of patients and employees in communities nationwide.



The addition of Cornerstone's locations will enhance ScionHealth's ability to advance access to high-quality care and implement innovative solutions to improve the patient experience. The transaction expands ScionHealth's national network of long-term acute care hospitals, community-based hospitals and physician practices to deliver life-saving care solutions for the nation's most medically complex patients.

ScionHealth was **established in late 2021** with a focus on investment in community healthcare and grounded in commitments to outstanding patient care and quality outcomes. The acquisition of Cornerstone is the first step in executing ScionHealth's strategic plan for growth and innovation.

"When we launched ScionHealth, we knew our portfolio would serve as a strong platform for growth," said Rob Jay, chief executive officer of ScionHealth. "Adding Cornerstone to ScionHealth is a significant first milestone and reflects our commitment to deliver high-quality healthcare solutions in the communities we serve. We are excited to welcome Cornerstone's talented group of employees and providers into the ScionHealth family. Cornerstone shares our values, as well as a similar focus on advancing clinical and quality excellence to benefit patients, pursue innovative solutions, and make healthcare more accessible. Additionally, today's announcement reinforces ScionHealth's commitment to being an active member of the Louisville business community, as well as a strong employer in Louisville and the other communities where our team members live and work across the U.S."

"This combination with ScionHealth confirms Cornerstone's commitment to quality care," said Steve Jakubcanin, chief executive officer and president. "We are proud to join an organization that puts people first and shares our vision to deliver best-in-class healthcare innovation and clinical expertise. We look forward to the benefits this combination will have for our team members and those we serve."

Upon the completion of regulatory approvals and satisfaction of customary closing conditions, the acquisition of Cornerstone is expected to be completed in the second half of 2022. Cornerstone Specialty Hospitals Clear Lake and Cornerstone Specialty Hospitals Houston Medical Center are excluded from the acquisition.

ScionHealth strives to provide high-quality, patient-centered acute and post-acute hospital solutions. The health system is focused on driving innovation, serving its communities, and investing in people and technology to deliver compassionate patient care and excellent health outcomes. Based in Louisville, ScionHealth operates 79 hospital campuses in 25 states – 61 long-term acute care hospitals and 18 community hospital campuses and associated health systems. For more information, please visit [www.scionhealth.com](http://www.scionhealth.com).

**Media Contact:**

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**About Cornerstone Healthcare Group**

Cornerstone Healthcare Group Holding, Inc. is a diversified healthcare company based in Dallas, Texas. Cornerstone's mission is to make a difference by providing exceptional care and delivering the best experience to all who they serve. For more information, visit [www.chghospitals.com](http://www.chghospitals.com).

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**Forward-Looking Statements**

This communication contains certain information, including statements as to the expected timing, completion and effects of the proposed transaction involving ScionHealth and Cornerstone Healthcare Group, which may constitute forward-looking statements. Such forward-looking statements are subject to risks and uncertainties, and actual results may differ materially. Such forward looking statements include, among others, statements about the benefits of the proposed transaction, including future financial and operating results, plans, objectives, expectations for ScionHealth and other statements that are not historical facts. Such

statements are based on the current beliefs and expectations of management and are subject to significant risks and uncertainties outside of its control. These risks and uncertainties include, among others: the possibility that the anticipated benefits from the proposed transaction will not be realized, or will not be realized within the expected time periods; the occurrence of any event, change or other circumstances that could give rise to termination of the proposed transaction agreement or cause the proposed transaction not to close within the anticipated timeline or at all; risks associated with the disruption of management's attention from ongoing business operations due to the proposed transaction; risks associated with the retention of key employees; and the inability to obtain necessary regulatory approvals of the proposed transaction or the receipt of such approvals being subject to conditions that are not anticipated. Readers are cautioned not to place undue reliance on these forward-looking statements, which speak only as of the date hereof. Except as otherwise required by law, neither ScionHealth nor Cornerstone Healthcare Group undertakes any obligation, and expressly disclaims any obligation, to update, alter or otherwise revise any forward-looking statements, whether written or oral, that may be made from time to time, whether as a result of new information, future events or otherwise.

SOURCE ScionHealth

# Exhibit 3

# CCS Announces Company Expansion Focused on Accelerating Innovation in Home-Based Diabetes Care Management



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NEWS PROVIDED BY  
**CCS** →  
10 Aug, 2022, 08:00 ET

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*A leader in home-delivered medical supplies for individuals living with chronic conditions, CCS is expanding its patient education, monitoring, and coaching services to unify the patient experience*

DALLAS, Aug. 10, 2022 /PRNewswire/ -- CCS, which now includes CCS Medical and CCS Health, has announced an expansion of its business. The company – a leading provider of home-delivered medical supplies for those living with diabetes or other chronic conditions – will be expanding the education, monitoring, and coaching services it offers to create a more collaborative approach to care. This new model incorporates the delivery of products with access to accredited clinicians supported by proprietary data and technology to simplify the patient experience. In addition, CCS has created a new strategic advisory board and added three new advisory board members to help redefine chronic care management at home.

Continue Reading



CCS supports more than 200,000 patients living with chronic conditions in the United States and delivers more than 1.2 million shipments of medical supplies to patients in their own homes. Through its Health and Medical units, CCS works with more than 400 employers and more than 1,800 managed care plans nationally to offer a more hands-on, educational approach to supporting their population of patients with diabetes. After over a quarter of a century delivering medical supplies and more than a decade providing chronic care management services for individuals living with diabetes, CCS has the experience, data, and patient and provider relationships in place to create a new era of patient-driven, proactive chronic care management.

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**CCS is expanding its patient education, monitoring, and coaching services to unify the patient experience.**

✕ Post this

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CCS now has two main divisions. First, CCS Health couples high-touch, human engagement with technology to assist patients with education and coaching on disease management and product adoption. Second, CCS Medical offers the most advanced technology and trusted brand names in continuous glucose monitoring and insulin pump therapy, along with the other medical product and device needs of the patient.

With CCS as their partner, patients are more likely to get on therapy and stay on therapy, improving patient outcomes and reducing costs. For example, CCS tracked an average drop of 1.15 points in patient A1C values for a large national health plan as part of CCS's LivingLinked™ offering, which is a clinical education program. Also, CCS's diabetes clinical care management program, called LivingConnected®, with a large employer group yielded a cost reduction of 45% for those enrolled vs. not enrolled.

"The LivingConnected program through CCS has increased adherence to the diabetes standards of care, improving the health of our employees and their spouses with diabetes, while generating substantial savings for program participants," said Heather Hormel, Senior

had with our employee population, any organization like ours would embrace a solution that can deliver the clinical and financial results we've achieved through the partnership with CCS."

"The number of people being diagnosed with diabetes in the United States has been on the rise and is expected to continue to accelerate – and the pandemic has only made things worse," said Tony Vahedian, CEO of CCS. "It's clear how we have historically provided care to patients with diabetes needs to evolve. That's why we made the decision to accelerate updates to our own business model. These changes will enable our team to surround patients with the tools, resources, and support they need to manage their own care in a simpler way."

As part of the company's expansion, CCS kicked off a new Strategic Advisory Board to help integrate additional trusted clinical and technological leadership guidance as part of this business transition. The distinguished experts in their field who comprise the CCS Strategic Advisory Board include:

- **Francine Kaufman, MD** – Distinguished Professor Emerita of Pediatrics at the Keck School of Medicine of the University of Southern California and Children's Hospital Los Angeles. Francine is also a practicing endocrinologist, as well as the former president of the American Diabetes Association.
- **Christos M. Cotsakos, Ph.D.** – Founder, chairman, and CEO of Pennington Ventures, a digital transformation, financial, and strategic management firm. He is the former chairman and CEO of E\*TRADE and took the company public in 1996 as one of a handful of internet entrepreneurs and pioneers. He also served as global co-CEO of AC Nielsen and co-founded ArrowPath Venture Capital. Christos has held senior strategic roles at the intersection of healthcare and technology for more than 25 years.
- **Jean-Claude Saghbini** – Chief Technology Officer at Lumeris. With decades of technology leadership experience, he has held leadership positions at a wide array of healthcare companies, including Wolters Kluwer Health and Cardinal Health.

"Considering the majority of people with newly diagnosed diabetes do not receive adequate care management education and training in the first year, it's no surprise that the healthcare industry and employers continue to grapple with less than optimal adherence and outcomes with this population of patients," said Dr. Kaufman. "I'm excited to join the advisory board at ☞

Case 23-03038-sqj Doc 18-3 Filed 12/29/23 Entered 12/29/23 18:40:18 Desc Exhibit 3 Page 5 of 5  
CCS – they understand that with the right supplies, personalized education, ongoing coaching, and home-based monitoring, people living with diabetes can achieve improved health outcomes."

To learn more about CCS and their integrated approach to redefining home-based chronic care management, visit [CCSMed.com](https://CCSMed.com).

## **About CCS**

CCS is a leading provider of clinical programs and home-delivered medical supplies for those living with chronic conditions, particularly diabetes. CCS supports 200,000+ patients living with chronic conditions in the United States and delivers more than 1.2 million shipments of medical supplies to patients in their own homes each year. The company works specifically with health plans and employers to offer both technology and hands-on educational services to holistically support patients living with diabetes. After serving patients for more than 25 years, CCS has the experience, data, and patient and provider relationships in place to create a new era of home-based, proactive chronic care management. Entities managed by Riva Ridge Capital LP are the primary shareholder of CCS. To learn more about CCS, please visit: [CCSMed.com](https://CCSMed.com); [LinkedIn](#); and [Twitter](#).

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SOURCE CCS

# Exhibit 4



**Source:** Builders FirstSource, Inc.

September 01, 2022 16:01 ET

## **Builders FirstSource Closes Acquisition of Trussway**

***Strengthens Company's roof and floor truss value-added products, including a multifamily presence in key high-growth markets***

***Anticipated to generate robust free cash flow within first 15 months***

DALLAS, Sept. 01, 2022 (GLOBE NEWSWIRE) -- [Builders FirstSource, Inc.](#) (NYSE: BLDR) ("BFS" or the "Company"), the nation's largest supplier of structural building products and value-added components and services, today announced it has acquired Trussway, a leading provider of pre-fabricated roof and floor trusses as well as value-added building components and services, including for the multifamily sector, with annualized sales of approximately \$340 million.

"We are thrilled that Trussway will now be an integral part of Builders FirstSource. Since 1972, Trussway has been a supplier of choice to customers due to its ability to routinely deliver high quality products and services," said Dave Flitman, President and CEO of Builders FirstSource. "The addition of Trussway expands our footprint with our roof and floor truss offerings, including for multifamily customers, and enhances our value-added portfolio to better serve our customers and accelerate growth. We are excited to welcome the Trussway team, with its long-standing customer relationships and track record of profitable growth, into the Builders FirstSource family."

Headquartered in Houston, and with 1,000 employees nationwide, Trussway benefits from customer relationships across the ecosystem of owners, developers, general contractors and framers. Trussway serves more than 340 customer accounts in the U.S., and its average relationship with its top 25 customers is over 10 years. Trussway's innovative in-house estimating, design and engineering approach will be complementary to BFS, and the Company anticipates it will lead to synergies across its portfolio. As part of the acquisition, Builders FirstSource is adding Trussway's integrated network of six strategically located manufacturing facilities across the U.S.

"Trussway is honored to be a part of the BFS family," said Jeff Smith, President and CEO of Trussway. "For 50 years, Trussway associates have worked hard at building this company into a leading truss manufacturer. We look forward to bringing, and building on, our high intensity approach to safety, quality, service, production and customer satisfaction with the BFS Team."

The purchase of Trussway will be funded through cash on hand and the Company's ABL.

### **Advisors**

Rothschild & Co. served as financial advisor to Trussway and Latham & Watkins LLP served as its legal counsel. Alston & Bird LLP served as BFS's legal counsel.

**About Builders FirstSource**

Headquartered in Dallas, Texas, Builders FirstSource is the largest U.S. supplier of building products, prefabricated components, and value-added services to the professional market segment for new residential construction and repair and remodeling. We provide customers an integrated homebuilding solution, offering manufacturing, supply, delivery and installation of a full range of structural and related building products. We operate in 42 states with approximately 560 locations and have a market presence in 47 of the top 50 and 85 of the top 100 MSA's, providing geographic diversity and balanced end market exposure. We service customers from strategically located distribution and manufacturing facilities (certain of which are co-located) that produce value-added products such as roof and floor trusses, wall panels, stairs, vinyl windows, custom millwork and pre-hung doors. Builders FirstSource also distributes dimensional lumber and lumber sheet goods, millwork, windows, interior and exterior doors, and other building products.

**Forward-Looking Statements**

Statements in this news release and the schedules hereto that are not purely historical facts or that necessarily depend upon future events, including statements about forecasted financial performance or other statements about anticipations, beliefs, expectations, hopes, synergies, intentions or strategies for the future, may be forward-looking statements within the meaning of Section 21E of the Securities Exchange Act of 1934, as amended. Readers are cautioned not to place undue reliance on forward-looking statements. In addition, oral statements made by our directors, officers and employees to the investor and analyst communities, media representatives and others, depending upon their nature, may also constitute forward-looking statements. As with the forward-looking statements included in this release, these forward-looking statements are by nature inherently uncertain, and actual results may differ materially as a result of many factors. All forward-looking statements are based upon information available to Builders FirstSource on the date this release was submitted. Builders FirstSource undertakes no obligation to publicly update or revise any forward-looking statements, whether as a result of new information, future events or otherwise. Any forward-looking statements involve risks and uncertainties that could cause actual events or results to differ materially from the events or results described in the forward-looking statements, including risks or uncertainties related to the continuing COVID-19 pandemic and its impact on the economy, the Company's acquisitions and continued ability to identify and consummate attractive acquisitions, the Company's growth strategies, including gaining market share and its digital strategies, or the Company's revenues and operating results being highly dependent on, among other things, the homebuilding industry, which in turn is dependent on economic conditions, lumber prices and the economy, including interest rates, inflation and labor and supply shortages. Builders FirstSource may not succeed in addressing these and other risks. Further information regarding factors that could affect our financial and other results can be found in the risk factors section of Builders FirstSource's most recent annual report on Form 10-K filed with the Securities and Exchange Commission (the "SEC") and in the other reports Builders FirstSource files with the SEC. Consequently, all forward-looking statements in this release are qualified by the factors, risks and uncertainties contained therein.

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# Exhibit 5

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

<b>In re</b>	§	
	§	<b>Civ. Act. No. 3:21-cv-0881-x</b>
<b>HIGHLAND CAPITAL MANAGEMENT, L.P.</b>	§	
	§	<b>Consolidated with:</b>
	§	<b>3:21-cv-0880-x</b>
<b>Reorganized Debtor/Plaintiff,</b>	§	<b>3:21-cv-1010-x</b>
	§	<b>3:21-cv-1378-x</b>
<b>v.</b>	§	<b>3:21-cv-1379-x</b>
	§	<b>3:21-cv-3160-x</b>
<b>NEXPOINT ASSET MANAGEMENT, L.P. (f/k/a HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.), et al.,</b>	§	<b>3:21-cv-3162-x</b>
	§	<b>3:21-cv-3179-x</b>
	§	<b>3:21-cv-3207-x</b>
	§	<b>3:22-cv-0789-x</b>

**Defendants.**

**NOTICE OF APPEAL TO UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

James Dondero (“Dondero”), defendant in Civ. Act. No. 3:22-cv-0881-x (consolidated with the above-captioned matters) and the adversary proceeding styled *Highland Capital Management, L.P. vs. James Dondero, et al.*, Adversary Proceeding No. 21-03003-sgj, appeals to the United States Court of Appeals for the Fifth Circuit from the following orders of the District Court for the Northern District of Texas: (1) the AMENDED FINAL JUDGMENT AGAINST JAMES DONDERO entered in this consolidated case as Dkt. 148 on August 3, 2023, and (2) Electronic Orders Dkt. 129 and Dkt. 131 (clarified by Electronic Order Dkt. 135, entered on July 6, 2023) which denied as moot the Motion for Ruling on Pending Objections (addressing, *inter alia*, an Objection to Order Denying Motions to Extend Expert Disclosure and Discovery Deadlines).

The parties to the judgment appealed from and the names and addresses of their respective attorneys are as follows:



**Plaintiff Highland Capital Management, L.P.**

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Dated: September 1, 2023

Respectfully submitted,

/s/ Deborah Deitsch-Perez

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*Attorneys for Defendant James Dondero*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on September 1, 2023, a true and correct copy of the foregoing document was served via the Court's CM/ECF system on all parties registered to receive electronic notices in this case.

/s/ Deborah Deitsch-Perez  
Deborah Deitsch-Perez