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*Co-Counsel for Marc S. Kirschner, as Litigation Trustee of the Highland Litigation Sub-Trust*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS**

In re:  
  
HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>  
  
Reorganized Debtor.

Chapter 11  
Case No. 19-34054-sgj11

MARC S. KIRSCHNER, AS LITIGATION TRUSTEE OF THE LITIGATION SUB-TRUST,  
  
Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA; SCOTT ELLINGTON; ISAAC LEVENTON; GRANT JAMES SCOTT III; STRAND ADVISORS, INC.; NEXPOINT ADVISORS, L.P.; HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.; DUGABOY INVESTMENT TRUST AND NANCY DONDERO, AS TRUSTEE OF DUGABOY INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; HUNTER MOUNTAIN INVESTMENT TRUST; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST

Adv. Pro. No. 21-03076-sgj

<sup>1</sup> The last four digits of the Reorganized Debtor’s taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor’s headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.



#2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD.,

Defendants.

**NOTICE OF VOLUNTARY DISMISSAL**

PLEASE TAKE NOTICE that Marc S. Kirschner, as Litigation Trustee of the Highland Litigation Sub-Trust established pursuant to the *Fifth Amended Plan of Reorganization of Highland Capital Management L.P. (As Modified)* [Bankruptcy Dkt. No. 1808] (the “Plan”) and Plaintiff in the above-captioned action, hereby gives notice that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, made applicable to this action by Rule 7041 of the Federal Rules of Bankruptcy Procedure, Counts I, II, XIV, and XXXV, as pled in Amended Complaint [Adversary Dkt. No. 158], are hereby voluntarily dismissed with prejudice as against Mark K. Okada (named in the Amended Complaint at Mark A. Okada), Mark & Pamela Okada Family Trust – Exempt Trust #1 and Lawrence Tonomura in his capacity as Trustee, and Mark & Pamela Okada Family Trust – Exempt Trust #2 and Lawrence Tonomura in his capacity as Trustee (together, the “Okada Parties”), pursuant to a settlement reached between Highland Capital Management, L.P., Plaintiff, and the Okada Parties [Bankruptcy Dkt. No. 4036]. The Okada Parties are therefore dismissed as Defendants from the above-captioned action, with prejudice. This dismissal shall apply only to the Okada Parties and shall not apply to or affect any other defendant in this proceeding.

**PLEASE TAKE FURTHER NOTICE** that, as of the date hereof, none of the Okada Parties has filed or served an answer or a motion for summary judgment.

Dated: February 15, 2024

Respectfully submitted,

**QUINN EMANUEL URQUHART &  
SULLIVAN, LLP**

/s/ Robert S. Loigman

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-and-

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*Counsel for the Litigation Trustee*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail via the Court's ECF system to parties authorized to receive electronic notice in this case on February 15, 2024.

/s/ Robert S. Loigman  
Robert S. Loigman