

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

**IN THE UNITED STATES DISTRICT COURT
FOR THE NOTHERN 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 TO FOR EXTENSION OF TIME TO FILE REPLY
BRIEF AND TO ENLARGE WORD COUNT**

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Attorneys for Appellants



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Appellant Hunter Mountain Investment Trust (“HMIT” or “Appellant”) files this motion (“Motion”) for entry of an order (1) extending the time to file Appellant’s reply brief to April 3, 2024, and (2) enlarging the word count of Appellant’s reply brief—responding to two response briefs of Appellees—to 10,500 words, subject to the items not included in the word count under Fed. R. Bankr. P. 8015(g). Counsel for Appellant has conferred with counsel for Appellees regarding this request, and Appellees are unopposed to the relief requested in this Motion. In support of this Motion, Appellant respectfully shows as follows:

I. Extension of Time

Appellees filed their respective response briefs on March 6, 2024. [Dkt. Nos. 34-35]. Pursuant to Federal Rule of Bankruptcy Procedure 8018, Appellant’s reply brief is currently due on March 20, 2024. Appellant requests a 14-day extension of the deadline, making the brief due on April 3, 2024, for the following reasons:

Appellees filed two response briefs that span 125 pages and include 23,792 words. [*Id.*]. Due to the sheer number of arguments involved, Appellant requires additional time to prepare a reply brief that fully addresses Appellees’ arguments.

Separately, Appellant and its counsel have preexisting conflicts that limit their ability to prepare the reply brief prior to the current deadline, including two attorneys who are on Spring Break with their families during the weeks of March 11 through

March 22. Appellant thus requests a 14-day extension not for the purpose of delay, but to allow a fair and full presentation of the issues and so that justice may be done.

As indicated above, this request is unopposed by Appellees.

II. Enlargement of Word Count

Appellant also requests that the Court enlarge the word count for Appellant's reply brief to 10,500 words. Under Federal Rule of Bankruptcy Procedure 8015, a reply brief is limited to 6,500 words. Appellant requests that the Court allow an additional 4,000 words for the following reasons:

Appellant's opening brief contained 12,992 words, within the default 13,000-word limit that Rule 8015 imposes. Although Appellant requested, and this Court granted, that all parties be permitted to file oversized opening briefs totaling 14,500 words, Appellant nonetheless filed a brief of only 12,992 words.¹ In response, Appellees filed two briefs totaling 23,792 words. [Dkt. Nos. 34-35].

Appellant currently intends to file a single or joint reply brief responsive to Appellees' two respective briefs. To appropriately respond, however, Appellant requests that the Court extend the word limit for a single reply from 6,500 words to 10,500 words. With that allocation, Appellants' total briefing in its opening brief

¹ Appellant reduced its opening brief to less than 13,000 words due to concern that it may not receive an order granting the motion for an enlarged word count prior to the filing deadline. That the Court ultimately granted that motion but Appellant did not avail itself of the enlarged word count in its opening brief further justifies Appellant's request for additional words in reply.

and reply will amount to no more than 23,492 words, an amount that approximates, but is still less than, the words used in Appellees' briefs. Appellant seeks this relief to permit a full and fair presentation of the issues.

As indicated above, this request is unopposed by Appellees.

III. Prayer

For the foregoing, good cause supports Appellant's request that the Court (1) extend the deadline for Appellant to file its reply brief to April 3, 2024 and (2) enlarge the word count for Appellant's reply brief to 10,500 words. Appellant respectfully prays that the Court grant the requested relief and any and all further relief to which Appellant may be entitled.

DATED: March 12, 2024

Respectfully Submitted,

**PARSONS MCENTIRE MCCLEARY
PLLC**

By: /s/ Sawnie A. McEntire
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*Counsel for Appellant, Hunter
Mountain Investment Trust*

CERTIFICATE OF CONFERENCE

I hereby certify that on March 12, 2024, I conferred with counsel for all Appellees, who all indicated that Appellees are unopposed to the requested relief in this motion, including (1) extending the time to file Appellant's reply brief to April 3, 2024; and (2) the enlargement of Appellant's reply brief to no more than 10,500 words, subject to the items not included in the word count under Fed. Bankr. P. 8015(g).

/s/ Sawnie A. McEntire
Sawnie A. McEntire

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 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

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

In re:

**HIGHLAND CAPITAL
MANAGEMENT, L.P.**

Reorganized Debtor.

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ORDER

Having considered the Unopposed Motion for Extension of Time to File Reply Brief and to Enlarge Word Count 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 reply brief is extended to and including April 3, 2024;

IT IS FURTHER ORDERED that Appellant's reply brief word count is enlarged to no more than 10,500 words, subject to the items not included in the word count under Fed. Bankr. P. 8015(g).

SO ORDERED this ____ day of March, 2024

The Honorable Judge Ada Brown,
United States District Court Judge