



John A. Morris

January 7, 2025

212.561.7760
jmorris@pszjlaw.com**LOS ANGELES**10100 SANTA MONICA BLVD. 13TH FL.
LOS ANGELES, CALIFORNIA 90067-4003
310.277.6910**NEW YORK**780 THIRD AVENUE, 34TH FL.
NEW YORK, NEW YORK 10017-2024
212.561.7700**WILMINGTON**919 NORTH MARKET STREET, 17TH FLOOR,
P.O. BOX 8705
WILMINGTON, DELAWARE 19899-8705
302.652.4100**HOUSTON**700 LOUISIANA STREET, STE. 4500
HOUSTON, TEXAS 77002
713.691.9385**SAN FRANCISCO**ONE SANSOME STREET, 34TH FL. STE. 3430
SAN FRANCISCO, CALIFORNIA 94104
415.263.7000**VIA ECF**Lyle W. Cayce, Clerk
United States Court of Appeals
for the Fifth Circuit
Office of the Clerk
F. Edward Herbert Building
600 S. Maestri Place
New Orleans, Louisiana 70130Re: Case No. 24-10287, *Dondero v. Jernigan* (petition
for rehearing en banc pending)

Dear Mr. Cayce:

In its response to Appellants' petition for a rehearing en banc, Highland referred the Court to a recent report (the "Report") issued by Judge Jernigan in the *Acis* case in which she recommended that certain claims asserted against Dondero be dismissed with prejudice thereby shielding him from substantial personal liability. *Appellee's Response to Petition for Rehearing En Banc*, Document 117 at 10 n.29 (citing Document No. 75).

After the District Court adopted Judge Jernigan's Report, *Acis* objected and moved for reconsideration and related relief. Yesterday, Chief Judge Godbey of the District Court issued an Order that, after considering the merits of *Acis*' objection, again adopted Judge Jernigan's Report and dismissed with prejudice certain claims asserted against Dondero. *Acis Cap. Mgmt., L.P. v. Dondero*, 3:24-cv-02036-N, Document No. 13.

The District Court's continued adoption and adherence to Judge Jernigan's Report cannot be reconciled with Appellants' contention that Judge Jernigan is biased against Dondero and his affiliates.





PACHULSKI
STANG
ZIEHL &
JONES

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Respectfully submitted,

/s/ John A. Morris

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cc: Counsel of Record (via ECF)

JAM:is