

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

In re:

HIGHLAND CAPITAL
MANAGEMENT, L.P.,

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj11

HUNTER MOUNTAIN INVESTMENT
TRUST,

Appellant,

v.

HIGHLAND CAPITAL
MANAGEMENT, L.P., HIGHLAND
CLAIMANT TRUST, AND JAMES P.
SEERY JR.,

Appellees.

Civil Case No. 3:24-cv-01786-BW

CONSENT MOTION FOR STAY

Appellant Hunter Mountain Investment Trust ("**HMIT**") files this Consent Motion for Stay ("**Consent Motion**") and would respectfully show as follows:

1. On May 19, 2025, Highland Capital Management, L.P., the reorganized debtor ("**Debtor**" or "**Highland**"), the Highland Claimant Trust ("**Claimant Trust**"), and the Highland Litigation Sub-Trust ("**Litigation Sub-Trust**") filed a *Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. § 363 Approving Settlement with HMIT Entities and Authorizing Actions Consistent Therewith* [Bankr. Dkt. 4216] ("**Motion to**



Approve Settlement) in Case No. 19-34054-sgj11, *In re: Highland Capital Management, L.P.* (“*Highland Bankruptcy*”), pending in the United States District Bankruptcy Court for the Northern District of Texas, Dallas Division (“*Bankruptcy Court*”). The Motion to Approve Settlement was supported by the *Declaration of Gregory V. Demo in Support of Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. § 363 Approving Settlement with HMIT Entities and Authorizing Actions Consistent Therewith* [Bankr. Dkt. 4217], which attached the Settlement Agreement & General Release [Bankr. Dkt. 4217-1] (“*Settlement Agreement*”).

2. The Settlement Agreement requires HMIT to: (i) move for a stay of all “Pending Litigation,” as defined in the Settlement Agreement, pending a ruling by the Bankruptcy Court on the Motion to Approve Settlement; and (ii) move to dismiss the Pending Litigation within five (5) business days after approval of the Settlement Agreement by the Bankruptcy Court.

3. This Consent Motion seeks a stay of the proceedings defined in the Settlement Agreement as: “*Hunter Mountain Investment Trust v. Highland Cap. Mgmt., L.P., Case No. 3:24-cv-01786-L (N.D. Tex.)*” (the “*Delaware Action Proceedings*”). [Bankr. Dkt. 4217-1, pp. 7, 9] (emphasis added).

4. The Settlement Agreement was negotiated at arms’ length, and the agreement to stay the Delaware Action Proceedings was material to each party, reflecting their mutual desire to prevent the parties from incurring additional litigation fees and

expenses and to preserve the status quo between the parties, which HMIT cannot do without approval by this Court of the stay requested herein, due to the briefing status of this appeal.

5. Issuance of a stay will promote judicial efficiency and reduce cost and expense, as further litigation costs will be unnecessary if the Bankruptcy Court approves the Settlement Agreement.

6. Accordingly, HMIT respectfully moves this Court for the entry of an order, substantially in the form attached hereto as **Exhibit A** ("*Stay Order*"), to stay further proceedings in this appeal.

7. HMIT represents that it has provided counsel for the parties to the Settlement Agreement and counsel for all parties involved in the Delaware Action Proceedings with a copy of this Consent Motion and the proposed Stay Order, and that such parties consent to the relief requested by this Consent Motion.

WHEREFORE, HMIT respectfully requests the entry of the Stay Order, substantially in the form attached hereto as **Exhibit A**, staying the Delaware Action Proceedings pending the Bankruptcy Court ruling on the Motion to Approve Settlement.

Respectfully Submitted:

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/s/ Sawnie A. McEntire _____

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Counsel for Hunter Mountain Investment Trust

CERTIFICATE OF CONFERENCE

I hereby certify that on May 27, 2025, counsel for HMIT conferred with counsel for Highland, the Claimant Trust, and Seery, and all parties are unopposed to the relief sought in this Motion.

/s/ Sawnie A. McEntire _____

Sawnie A. McEntire

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2025, the foregoing document was served on all parties of record via the Court's electronic filing system.

/s/ Sawnie A. McEntire _____

Sawnie A. McEntire

EXHIBIT A
Proposed Order

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ORDER STAYING PROCEEDING

The Court, having considered the *Consent Motion for Stay* (the "*Stay Motion*") filed by Hunter Mountain Investment Trust ("*HMIT*"), and noting that it is unopposed, is of the opinion that the Stay Motion is well taken and should be **GRANTED** in its entirety:

IT IS THEREFORE ORDERED that the proceedings defined in the Stay Motion as: "*Hunter Mountain Investment Trust v. Highland Cap. Mgmt., L.P., Case No. 3:24-cv-01786-L (N.D. Tex.)*" are stayed pending further order of this Court.

Dated this ____ day of _____, 2025.

UNITED STATES DISTRICT JUDGE