

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 TO DISMISS

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

1. On May 27, 2025, HMIT filed a Consent Motion for Stay [Dkt. 37] ("**Stay Motion**"), seeking a stay of this matter pursuant to a proposed settlement agreement with 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*”), that was pending Bankruptcy Court approval [Bankr. Dkt. 4217-1] (“*Settlement Agreement*”).¹

2. On May 28, 2025, this Court entered an order administratively closing this case in response to the Stay Motion [Dkt. 38].

3. The Bankruptcy Court conducted a hearing on the Settlement Agreement on June 25, 2025, and entered an order approving the Settlement Agreement on June 30, 2025 [Bankr. Dkt. 4297].

4. Upon confirmation by the Bankruptcy Court, the Settlement Agreement requires HMIT to move to dismiss all “Pending Litigation,” as defined in the Settlement Agreement, within five (5) business days.

5. This Consent Motion now seeks dismissal 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).

¹ As outlined in the Stay Motion, on May 19, 2025, Highland, the Claimant Trust, and the 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*”).

6. Accordingly, HMIT respectfully moves this Court for the entry of an order, substantially in the form attached hereto as **Exhibit A** ("*Dismissal Order*"), dismissing 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 Dismissal Order, and that such parties consent to the relief requested by this Consent Motion.

WHEREFORE, HMIT respectfully requests the entry of the Dismissal Order, substantially in the form attached hereto as **Exhibit A**, dismissing the Delaware Action Proceedings in accordance with the Bankruptcy Court's ruling approving the Settlement Agreement.

Respectfully Submitted:

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Counsel for Hunter Mountain Investment Trust

CERTIFICATE OF CONFERENCE

I hereby certify that on July 1, 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/ Ian B. Salzer

Ian B. Salzer

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2025, the foregoing document was served on all parties of record via the Court's electronic filing system.

/s/ Ian B. Salzer

Ian B. Salzer

EXHIBIT A
Proposed Order

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ORDER DISMISSING PROCEEDING WITH PREJUDICE

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

IT IS THEREFORE ORDERED that the appeal proceedings defined in the Dismissal Motion as: “*Hunter Mountain Investment Trust v. Highland Cap. Mgmt., L.P., Case No. 3:24-cv-01786-L (N.D. Tex.)*” are dismissed with prejudice.

IT IS FURTHER ORDERED that that all costs of Court are taxed against the party incurring same, and all parties are responsible for their own attorneys' fees and expenses.

Dated this ____ day of _____, 2025.

UNITED STATES DISTRICT JUDGE