

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 CORRECT ORDER

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

1. The Court's July 2, 2025, Order [Doc. 40] ("**Order**") mistakenly states that the claims of Appellee Highland Capital Management, L.P., the reorganized debtor ("**Debtor**" or "**Highland**") were dismissed with prejudice, rather than the claims of Appellant HMIT. Only HMIT has affirmative claims that are the subject of this appeal,



not Highland nor the other appellees the Highland Claimant Trust (“*Claimant Trust*”) or the Highland Litigation Sub-Trust (“*Litigation Sub-Trust*”) (collectively “*Appellees*”).

2. Accordingly, HMIT requests the Court strike the Order and instead enter a corrected order, substantially in the form attached hereto as **Exhibit A** (“*Corrected Dismissal Order*”), dismissing HMIT’s claims against Appellees Highland, the Claimant Trust, and the Litigation Sub-Trust, in this appeal with prejudice.

3. HMIT represents that it has provided counsel Appellees with a copy of this Consent Motion and the proposed Corrected Dismissal Order, and that Appellees consent to the entry of the Corrected Dismissal Order.

WHEREFORE, HMIT respectfully requests the Court strike its July 2, 2025, Order [Doc. 40] and instead enter the Corrected Dismissal Order, substantially in the form attached hereto as **Exhibit A**, dismissing all claims asserted, or that could have been asserted, by Appellant Hunter Mountain Investment Trust, against Appellees Highland Capital Management, L.P., The Highland Claimant Trust, and James P. Seery, Jr. with prejudice.

Respectfully Submitted:

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Counsel for Hunter Mountain Investment Trust

CERTIFICATE OF CONFERENCE

I hereby certify that on July 7, 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 Consent Motion.

/s/ Ian B. Salzer

Ian B. Salzer

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 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

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

IN RE:	§	
HIGHLAND CAPITAL MANAGEMENT,	§	
L.P.,	§	
	§	
Reorganized Debtor.	§	
	§	
HUNTER MOUNTAIN INVESTMENT	§	
TRUST,	§	
	§	
Appellant,	§	Civil Action No. 3:24-CV-1786-L
	§	
v.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT,	§	
L.P.; THE HIGHLAND CLAIMANT	§	
TRUST; and JAMES P. SEERY, JR.,	§	
	§	
Appellees.	§	
	§	

AMENDED ORDER

Before the Court is the parties' Consent Motion to Dismiss with Prejudice ("Motion") (Doc. 39), filed July 1, 2025. All matters in dispute in this action have been resolved by settlement. The Court determines that the Motion should be, and hereby is, **granted**. Accordingly, this action and all claims asserted, or that could have been asserted, by Appellant Hunter Mountain Investment Trust, against Appellees Highland Capital Management, L.P., The Highland Claimant Trust, and James P. Seery, Jr. are **dismissed with prejudice**. The parties shall bear their own costs and attorney's fees.

It is so ordered this ____ day of July, 2025.

Sam A. Lindsay
United States District Judge