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Counsel to Patrick Daugherty

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

In re:	§	Chapter 11
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	CASE NO. 19-34054-sgj11
	§	
Reorganized Debtor.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	ADV. PROC. NO. 25-03055-sgj
	§	
v.	§	
	§	
PATRICK HAGAMAN DAUGHERTY,	§	
	§	
Defendant.	§	
	§	

NOTICE OF APPEAL

¹ Highland's last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, Texas 75201.



Part 1: Identify the appellant(s)

1. Name(s) of appellant(s): **Patrick Daugherty**
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in a bankruptcy case
and not in an adversary proceeding.

- ☐ Debtor
☒ Creditor
☐ Trustee
☐ Other (describe):

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed: **Order (a) Denying Patrick Duagherty's Motion to Dismiss and (b) Granting Highland Capital Management, L.P.'s Cross Motion for Relief From a Final Order Pursuant to Bankruptcy Rule 9024 [Docket No. 23], attached hereto as Exhibit A.** Daugherty appeals the Court's Order to the extent it granted relief under Rule 60(b). *See Browder v. Director, Dep't of Corr. of Ill.*, 434 U.S. 257, 263 n.7 (1978) ("A timely appeal may be taken . . . from a ruling on a Rule 60(b) motion.").
2. State the date on which the judgment, order, or decree was entered: **September 5, 2025.**

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Patrick Daugherty

Jason S. Brookner
Texas Bar No. 24033684
Andrew K. York
Texas Bar No. 24051554
Joshua D. Smeltzer
Texas Bar No. 24113859
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2. Highland Capital Management, L.P.
and Highland Claimant Trust

Jeffrey N. Pomerantz (admitted *pro hac vice*)
John A. Morris (admitted *pro hac vice*)
Gregory V. Dmo (admitted *pro hac vice*)
Hayley R. Winograd (admitted *pro hac vice*)
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-and-

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Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign Below

Respectfully submitted this 19th day of September, 2025.

GRAY REED

By: /s/ Andrew K. York

Jason S. Brookner
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Counsel to Patrick Daugherty

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing instrument was served on all Parties or counsel of record herein on this 19th day of September, 2025, via the CM/ECF system and/or email.

/s/ Andrew K. York

ANDREW K. YORK

EXHIBIT A

ENTERED

The following constitutes the ruling of the court and has the force and effect therein described.

Signed September 4, 2025

Stacy L. C. Farnitz
United States Bankruptcy Judge

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

Defendant.

§
§ Chapter 11
§
§ Case No. 19-34054-sgj11
§
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§ Adv. Proc. No. 25-03055-sgj
§
§
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§
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§

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ORDER (A) DENYING PATRICK DAUGHERTY’S MOTION TO DISMISS AND (B) GRANTING HIGHLAND CAPITAL MANAGEMENT, L.P.’S CROSS MOTION FOR RELIEF FROM A FINAL ORDER PURSUANT TO BANKRUPTCY RULE 9024

Having considered (a) the *Motion to Dismiss* [Adv. Docket No. 5] (the “Motion”) filed by Patrick Daugherty (“Mr. Daugherty”); (b) the (A) *Objection to Patrick Daugherty’s Motion to Dismiss*, and (B) *Cross Motion for Relief from a Final Order Pursuant to Bankruptcy Rule 9024* [Adv. Docket Nos. 9 and 10] (the “Objection” and the “Cross Motion,” respectively)² filed by Highland Capital Management, L.P. (“Highland”); (c) the *Declaration of John A. Morris in Support of Highland Capital Management, L.P.’s (A) Objection to Patrick Daugherty’s Motion to Dismiss*, and (B) *Cross Motion for Relief from a Final Order Pursuant to Bankruptcy Rule 9024* and the exhibits annexed thereto submitted in support of Highland’s Objection and Cross Motion [Adv. Docket No. 11]; (d) *Patrick Daugherty’s (A) Reply in Support of His Motion to Dismiss and (B) Response to Plaintiff’s Cross Motion for Relief from a Final Order Pursuant to Bankruptcy Rule 9024* [Adv. Docket No. 15]; (e) *Highland Capital Management, L.P.’s Reply in Further Support of Its Cross Motion for Relief from a Final Order Pursuant to Bankruptcy Rule 9024* [Adv. Docket No. 16]; (f) the exhibits filed by Mr. Daugherty at Adv. Docket No. 19; and (g) the arguments presented by counsel during the hearing held on September 4, 2025 (the “Hearing”), the Court finds and concludes that: (i) the Court has jurisdiction to consider the Motion, the Objection, and the Cross Motion under 28 U.S.C. §§ 157 and 1334 and the retention of jurisdiction provisions of Article XI of the Plan; (ii) consideration of the Motion, the Objection, and the Cross Motion is a core proceeding under 28 U.S.C. § 157(b)(2); (iii) venue is proper in this district under 28 U.S.C. §§ 1408 and 1409; and (iv) the legal and factual bases set forth in the Objection and the Cross Motion establish good cause for the relief granted herein.

² Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Objection and Cross Motion.

Accordingly, for the reasons set forth on the record during the Hearing, it is hereby **ORDERED**
THAT:

1. The Motion is **DENIED** in its entirety.
2. The Cross Motion is **GRANTED** in its entirety.
3. Pursuant to Bankruptcy Rule 9024(b)(6), the Settlement Order is hereby modified to provide that the Stay Provision is stricken from the Settlement Agreement.
4. The Court shall retain exclusive jurisdiction to hear and determine all matters and disputes arising from the interpretation and implementation of this Order.

###End of Order###