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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.

**MARC S. KIRSCHNER, AS LITIGATION TRUSTEE OF
THE LITIGATION SUB-TRUST,**

Plaintiff,

v.

**JAMES D. DONDERO; MARK A. OKADA; SCOTT
ELLINGTON; ISAAC LEVENTON; GRANT JAMES
SCOTT III; FRANK WATERHOUSE; STRAND
ADVISORS, INC.; NEXPOINT ADVISORS, L.P.;
HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.; DUGABOY INVESTMENT TRUST
AND NANCY DONDERO, AS TRUSTEE OF DUGABOY**

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 21-03076-sgj



INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; HUNTER MOUNTAIN INVESTMENT TRUST; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; SAS ASSET RECOVERY, LTD.; AND CPCM, LLC,

Defendants.

DEFENDANTS’ UNOPPOSED MOTION FOR LEAVE TO FILE RESPONSE BRIEF IN EXCESS OF PAGE LIMIT

Defendants NexPoint Advisors, L.P., NexPoint Asset Management, L.P. f/k/a Highland Capital Management Fund Advisors, L.P., James Dondero, The Dugaboy Investment Trust, Get Good Trust, Strand Advisors, Inc., Scott Ellington, and Isaac Leventon (collectively, the “Defendants”) file this *Unopposed Motion for Leave to File a Response Brief in Excess of Page Limits* (the “Motion”) requesting the Court allow Defendants to file a response brief in support of their *Opposition to Plaintiff Hunter Mount Investment Trust’s Emergency Motion for Temporary Restraining Order* (the “Opposition”) filed contemporaneously herewith. In Support of this Motion, Defendants respectfully state as follows:

I. RELEVANT FACTUAL BACKGROUND

1. Filed contemporaneously herewith, Defendants filed and served their Opposition in accordance Local Rule 7007-1(d).
2. Defendants jointly filed the Opposition, rather than each filing separate responses.

3. The jointly filed Opposition exceeds the page limit for a single brief under Local Rule 7007-2(c), reaching 31 pages instead of 25.

II. BASIS FOR RELIEF

4. Good cause exists for this Motion.

5. Plaintiff filed its 22-page *Emergency Verified Motion for Temporary Restraining Order, Preliminary Injunction, and Appointment of Receiver* on September 15, 2025 (“Plaintiff’s Motion”). Dkt. 379. It was accompanied by a 175-page Appendix. *Id.*

6. Rather than file separate motions in opposition to Plaintiff’s Motion (up to 25 pages each for a total of more than 100 pages), Defendants coordinated to jointly file the Opposition. Filing the Opposition jointly is in the interest of judicial economy.

7. Defendants therefore request to file their Opposition with a page limit of 31 pages, exclusive of signature pages.

8. Counsel for Defendants conferred with Plaintiff’s counsel on October 6, 2025, and Plaintiff’s counsel does not object to the requested relief herein.

III. REQUESTED RELIEF

WHEREFORE, Defendants respectfully request that the Court grant the Motion to file their Opposition with a 31-page limit, not counting tables and signature pages.

Dated: October 6, 2025

Respectfully submitted,

STINSON LLP

/s/ Deborah Deitsch-Perez

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*Counsel for Scott Ellington and Isaac
Leventon*

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on October 6, 2025, the undersigned counsel conferred on behalf of the Defendants with counsel for the Plaintiff regarding the substance of the foregoing Motion. Plaintiff's counsel consents to the relief requested herein.

Dated: October 6, 2025

/s/ Deborah Deitsch-Perez

**IN THE UNITED STATES BANKRUPTCY COURT
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SCOTT III; FRANK WATERHOUSE; STRAND
ADVISORS, INC.; NEXPOINT ADVISORS, L.P.;
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ADVISORS, L.P.; DUGABOY INVESTMENT TRUST
AND NANCY DONDERO, AS TRUSTEE OF DUGABOY
INVESTMENT TRUST; GET GOOD TRUST AND
GRANT JAMES SCOTT III, AS TRUSTEE OF GET**

Chapter 11

Case No. 19-34054-sgj11

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GOOD TRUST; HUNTER MOUNTAIN INVESTMENT TRUST; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; SAS ASSET RECOVERY, LTD.; AND CPCM, LLC,

Defendants.

ORDER GRANTING THE UNOPPOSED MOTION FOR LEAVE TO FILE RESPONSE BRIEF IN EXCESS OF PAGE LIMIT

On this day came on for consideration the *Unopposed Motion for Leave to File a Response Brief in Excess of Page Limits* (the “Motion”) of Defendants NexPoint Advisors, L.P., NexPoint Asset Management, L.P. f/k/a Highland Capital Management Fund Advisors, L.P., James Dondero, The Dugaboy Investment Trust, Get Good Trust, Strand Advisors, Inc., Scott Ellington, and Isaac Leventon (collectively, the “Defendants”) filed in this proceeding on October 6, 2025.

The Court having reviewed the Motion and finding that the relief requested by Defendants is appropriate and being advised that the Motion is unopposed, believes that the Motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the page limit with respect to the Defendant’s Motion in this adversary proceeding is increased from 25 pages to up to 31 pages, less signature pages.

IT IS SO ORDERED.

END OF ORDER

Order submitted by:

STINSON LLP

/s/ Deborah Deitsch-Perez

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