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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.

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING
AND STATUS CONFERENCE ON OCTOBER 17, 2025 at 9:30 a.m.**

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”) submit this Notice of Agenda for matters before the court at the October 17, 2025, 9:30 a.m. (central time) status conference and hearing.

1. Status Conference on Pending Motions and Supplemental Briefing

At the hearing on September 3, 2025, the parties and the court discussed the Motions to Withdraw the Reference¹ still pending before the District Court and the Motions to Dismiss² still pending in this proceeding. Specifically, the parties discussed the change in posture in this case

¹ The Motions to Withdraw the Reference and supporting materials filed by the parties include the following Docket Numbers: 27, 28, 39, 40, 45, 46, 71, 95, 103, 106, 180, and 151.

² The Motions to Dismiss and supporting materials filed by the parties include the following Docket Numbers: 172, 173, 175, 176, 182, 183, 188, 189, 210, 223, 225, 226, and 227.

and its potential impact on the Court's subject matter jurisdiction. *See* Dkt. 373.³ Defendants note that subject matter jurisdiction is one of numerous additional legal issues raised by the substitution of Hunter Mountain Investment Trust ("Hunter Mountain") as the new Plaintiff. Indeed, the court already contemplated that the Defendants would have an opportunity to make further submissions on the pending Motions to Withdraw the Reference and the pending Motions to Dismiss. *Id.* Counsel for Hunter Mountain has indicated they disagree, but did not suggest alternative dates or object to the specific dates proposed below, despite being asked. Accordingly, the Defendants propose the following schedule for supplemental briefing on the Motions to Withdraw the Reference and Motions to Dismiss:

Briefing	Filing Deadline
Supplemental Briefing by Defendants	November 18, 2025
Responses by Hunter Mountain Investment Trust	December 18, 2025
Replies by Defendants	January 9, 2025

2. Hearing on Contested Motions. The following contested motions will also be heard, if the Court deems appropriate,⁴ subsequent to the Status Conference:

Contested Motion for Temporary Restraining Order⁵

- *Hunter Mountain Investment Trust's Emergency Verified Motion for Temporary Restraining Order, Preliminary Injunction, and Appointment of Receiver* filed on September 15, 2025 [Dkt. 379].
- *Defendants' Opposition to Hunter Mountain Investment Trust's Emergency Motion for Temporary Restraining Order* filed on October 6, 2025 [Dkt. 389].
- *Plaintiff's Reply in Support of Emergency Verified Motion for Temporary Restraining Order* filed on October 10, 2025 [Dkt. 391].

³ The transcript of the September 3, 2025 hearing was submitted as Exhibit A at Docket 389-1.

⁴ Counsel for HMIT's position is that the Court must hear the scheduled motions.

⁵ While HMIT included in this motion a request for a preliminary injunction and a receiver, based on the parties' joint discussions with the Court and the Amended Notice of Hearing (Dkt. 385), the requests for a preliminary injunction and for appointment of a receiver will not be considered at the October 17, 2025, 9:30 a.m. hearing. The parties also corresponded with the court to set a status conference to take place on the same date and time in light of the change in plaintiff and lifting of the stay in this adversary proceeding.

Contested Emergency Motion for Expedited Discovery

- *Hunter Mountain Investment Trust's Emergency Motion for Expedited Discovery* filed on September 15, 2025 [Dkt. 380].
- *Defendants' Opposition to Plaintiff Hunter Mountain Investment Trust's Emergency Motion for Expedited Discovery* filed on October 6, 2025 [Dkt. 386].
- *Plaintiff's Reply in Support of Emergency Motion for Expedited Discovery* filed on October 10, 2025 [Dkt. 392].

Dated: October 15, 2025

Respectfully submitted,

STINSON LLP

/s/ Deborah Deitsch-Perez

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CERTIFICATE OF SERVICE

I certify that on October 15, 2025, a true and correct copy of the foregoing document was served via the Court's Electronic Case Filing system to the parties that are registered or otherwise entitled to receive electronic notices in this case.

/s/ Deborah Deitsch-Perez
Deborah Deitsch-Perez