

**APPELLANT’S AMENDED DESIGNATION OF ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL
AND STATEMENT OF THE ISSUES PRESENTED**

Pursuant to Fed. R. Bankr. P. 8009(a), Appellant Patrick Daugherty (“Daugherty”) hereby submits his amended designation of items to be included in the record on appeal and statement of issues to be presented in connection with his appeal from the *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* [Docket No. 23 in Adversary No. 25-03055], to the extent it granted relief under Federal Rule of Bankruptcy Procedure 9024 and Federal Rule of Civil Procedure 60(b). *See Notice of Appeal* [Docket No. 25 in Adversary No. 25-03055].

Statement of Issues on Appeal

1. Whether the Bankruptcy Court abused its discretion by granting Highland Capital Management, L.P.’s Cross Motion pursuant to Fed. R. Civ. P. 60(b)(6) when Highland failed to make a showing of manifest injustice and exceptional circumstances required to rewrite a term of the parties’ bargained-for, court-approved settlement agreement that Highland Capital Management, L.P. entered on a free, deliberate, calculated, and counseled basis.
2. Whether the Bankruptcy Court abused its discretion by granting Highland Capital Management, L.P.’s Cross Motion pursuant to Fed. R. Civ. P. 60(b)(6) when Highland was estopped from seeking such relief after it obtained the benefits of the tolling provision in the settlement agreement, including, *inter alia*, the parties’ negotiation and execution of a series of tolling agreements to the benefit of Highland Capital Management, L.P. regarding its certain claim-objection deadline.

Designation of Record

Daugherty respectfully designates the following items to be included in the appellate record pursuant to Bankruptcy Rule 8009(a):

1. Notice of Appeal for Adversary No. 25-03055 [Docket No. 25].
2. The Judgment Order or Decree appealed from: *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* [Docket No. 23 in Adversary No. 25-03055].
3. Docket Sheet for Adversary Case No. 25-03055 kept by the Bankruptcy Clerk.
4. Documents listed below for Bankruptcy Case No. 19-34054-sgj11:

Date	Docket	Description
05/02/2025	<u>1</u>	Adversary case 25-03055. Complaint by Highland Capital Management, L.P. against Patrick Hagaman Daugherty. Fee Amount \$350 (Attachments: # <u>1</u> Exhibit A # <u>2</u> Adversary Proceeding Cover Sheet).
06/04/2025	<u>5</u>	Motion to dismiss adversary proceeding filed by Defendant Patrick Hagaman Daugherty (Attachments: # <u>1</u> Proposed Order)
07/18/2025	<u>9</u>	Response opposed to (related document(s): <u>5</u> Motion to dismiss adversary proceeding filed by Defendant Patrick Hagaman Daugherty) filed by Plaintiff Highland Capital Management, L.P.. (Attachments: # <u>1</u> Proposed Order)
07/18/2025	<u>10</u>	Highland Capital Management, L.P.'s CROSS MOTION FOR RELIEF FROM A FINAL ORDER PURSUANT TO BANKRUPTCY RULE 9024 filed by Plaintiff Highland Capital Management, L.P. (Attachments: # <u>1</u> Proposed Order)
07/18/2025	<u>11</u>	Declaration re: (<i>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</i>) filed by Plaintiff Highland Capital Management, L.P. (RE: related document(s) <u>9</u> Response, <u>10</u> Motion for leave (<i>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</i>)). (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2 # <u>3</u> Exhibit 3 # <u>4</u> Exhibit 4)
08/08/2025	<u>15</u>	Reply to (related document(s): <u>9</u> Response filed by Plaintiff Highland Capital Management, L.P.) and <i>Response to Plaintiff's Cross Motion for Relief from a Final Order Pursuant to Bankruptcy Rule 9024</i> filed by Defendant Patrick Hagaman Daugherty.
08/15/2025	<u>16</u>	Reply to (related document(s): <u>15</u> Reply filed by Defendant Patrick Hagaman Daugherty) (<i>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</i>) filed by Plaintiff Highland Capital Management, L.P..

Date	Docket	Description
08/29/2025	<u>19</u>	Witness and Exhibit List <i>for Hearing Scheduled for September 4, 2025 at 9:30 a.m.</i> filed by Defendant Patrick Hagaman Daugherty (RE: related document(s) <u>5</u> Motion to dismiss adversary proceeding , <u>9</u> Response, <u>10</u> Motion for leave (<i>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</i>)). (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit)
09/04/2025	<u>20</u>	Witness and Exhibit List filed by Plaintiff Highland Capital Management, L.P. (RE: related document(s) <u>5</u> Motion to dismiss adversary proceeding , <u>10</u> Motion for leave (<i>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</i>)). (Attachments: # <u>1</u> Exhibit 1)
09/05/2025	<u>23</u>	Order (A) denying Patrick Daugherty's motion to dismiss adversary proceeding (related document # <u>5</u>), and (B) granting Highland Capital Management's cross motion for relief from a final order. (related document # <u>10</u>). 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. Entered on 9/5/2025.
09/19/2025	<u>25</u>	Notice of appeal . Fee Amount \$298 filed by Defendant Patrick Hagaman Daugherty (RE: related document(s) <u>23</u> Order on motion to dismiss adversary proceeding, Order on motion for leave). Appellant Designation due by 10/3/2025. (Attachments: # <u>1</u> Exhibit A)
09/30/2025	<u>35</u>	Transcript regarding Hearing Held 09/04/2025 before Judge Stacey G.C. Jernigan (36 pages) RE: Motion to Dismiss Adversary Proceeding (5); Cross-Motion for Relief (10). THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING. TRANSCRIPT RELEASE DATE IS 12/29/2025. Until that time the transcript may be viewed at the Clerk's Office or a copy may be obtained from the official court transcriber. Court Reporter/Transcriber Kathy Rehling, kathyrehlingtranscripts@gmail.com, Telephone number 972-786-3063. (RE: related document(s) 21 Hearing held on 9/4/2025. (RE: related document(s) <u>5</u> Motion to dismiss adversary proceeding filed by Defendant Patrick Hagaman Daugherty (Attachments: # 1 Proposed Order)) (Appearances: A. York and J. Smeltzer for P. Daugherty; J. Morris for Reorganized Debtor. Evidentiary hearing. Motion denied for reasons stated orally. Counsel to upload order.), 22 Hearing held on 9/4/2025. (RE: related document(s) <u>10</u> Highland Capital Management, L.P.'s CROSS MOTION FOR RELIEF FROM A FINAL ORDER PURSUANT TO BANKRUPTCY RULE 9024 filed by Plaintiff Highland Capital Management, L.P. (Attachments: # 1 Proposed Order) (Annable, Zachery) Modified TEXT on 7/21/2025 (hsj).) (Appearances: A. York and J. Smeltzer for P. Daugherty; J. Morris for Reorganized Debtor. Evidentiary hearing. Motion granted for reasons stated orally. Counsel to upload order.)). Transcript to be made available to the public on 12/29/2025. (Rehling, Kathy)

Reservation of Rights

Daugherty expressly reserves the right to amend or supplement this amended designation and/or to object, or otherwise supplement or move to strike or modify, some or all of any designations filed by any other party to this appeal. This filing is made expressly subject to, and without waiver, of any and all rights, remedies, challenges and objections.

Respectfully submitted this 22nd day of October 2025.

GRAY REED

By: /s/ Andrew K. York

Jason S. Brookner
Texas Bar No. 240033684
Andrew K. York
Texas Bar No. 24051554
Joshua D. Smeltzer
Texas Bar No. 24113859
J. Reid Burley
Texas Bar No. 24109675
Drake M. Rayshell
Texas Bar No. 24118507

1601 Elm Street, Suite 4600
Dallas, Texas 75201
Telephone: (214) 954-4135
Facsimile: (214) 953-1332
Email: jbrookner@grayreed.com
dyork@grayreed.com
jsmeltzer@grayreed.com
rburley@grayreed.com
drayshell@grayreed.com

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 22nd day of October 2025, via the CM/ECF system and/or email.

/s/ Andrew K. York

ANDREW K. YORK