

PACHULSKI STANG ZIEHL & JONES LLP  
Jeffrey N. Pomerantz (admitted *pro hac vice*)  
John A. Morris (admitted *pro hac vice*)  
Jordan A. Kroop (admitted *pro hac vice*)  
Hayley R. Winograd (admitted *pro hac vice*)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Tel: (310) 277-6910

HAYWARD PLLC  
Melissa S. Hayward (Texas Bar No. 24044908)  
MHayward@HaywardFirm.com  
Zachery Z. Annable (Texas Bar No. 24053075)  
ZAnnable@HaywardFirm.com  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100

*Counsel for Highland Capital Management, L.P. and the Highland Claimant Trust*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

Chapter 11

HIGHLAND CAPITAL MANAGEMENT, L.P.

Case No. 19-34054-sgj11

Reorganized Debtor.

THE DUGABOY INVESTMENT TRUST and  
PATRICK DAUGHERTY,

Appellants,

v.

Case No. 3:25-cv-01876-K

HIGHLAND CAPITAL MANAGEMENT, L.P.  
*et al.*,

Appellees.

**APPELLEES' OBJECTION TO APPELLANT THE DUGABOY  
INVESTMENT TRUST'S MOTION TO CONSOLIDATE PROCEEDINGS  
AND EXTEND RELATED DEADLINES ON APPEAL**

Appellees Highland Capital Management, L.P. and the Highland Claimant Trust (together, "**Appellees**") hereby object to *Appellant The Dugaboy Investment Trust's Motion to Consolidate Proceedings and Extend Related Deadlines on Appeal* [Doc 39, the "**Consolidation Motion**"].



## INTRODUCTION<sup>1</sup>

With virtually nothing to gain,<sup>2</sup> James Dondero and his affiliated entities, including Dugaboy, have filed over 60 appeals related to the Highland bankruptcy case and lost nearly every one of them. In the wake of this long, wasteful exercise in futility, Appellant’s platitudes about conserving judicial and party resources hardly seem credible. A review of the underlying matters shows they are not.

Contrary to Appellant’s broad and conclusory assertions, the four Appeals subject to the Consolidation Motion concern unrelated Orders that resolved different motions involving different legal standards, different parties, and vastly different records. Moreover, each Appeal is at a different stage. For example, this Appeal is subject to Appellees’ fully briefed Motion to Dismiss and is ripe for resolution. The

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<sup>1</sup> Capitalized terms not defined in this Introduction shall have the meanings ascribed below.

<sup>2</sup> With two minor exceptions, neither James Dondero nor any of his affiliates have ever had an allowed claim against the Highland estate or an interest (whether vested, unvested, allowed, or contingent) in the Highland Claimant Trust. The exceptions are Mr. Dondero’s family trust (of which is the sole beneficiary while he is alive), The Dugaboy Investment Trust, the appellant (“**Dugaboy**” or “**Appellant**”) and Strand Advisors, Inc. (“**Strand**”). Prior to Highland’s bankruptcy filing, Dugaboy and Strand owned Class A Limited Partnership Interests, which comprised only 0.1866% and 0.2508%, respectively, of the aggregate limited partnership interests of Highland (the “**LP Interests**”) outstanding as of the Petition Date. Such Class A Limited Partnership Interests were subordinated at all relevant times to the Class B/C Limited Partnership Interest owned by Hunter Mountain Investment Trust (“**HMIT**”), which comprised 99.5% of the aggregate LP Interests outstanding as of the Petition Date. Under the Plan, Dugaboy and Strand’s pre-petition Class A Limited Partnership Interests were converted into unvested, contingent interests in Class 11 of the Highland Claimant Trust. Under the never-challenged terms of the Highland Claimant Trust Agreement (which were part of the plan of reorganization confirmed on February 22, 2021), Class 11 is subordinated to Class 8 (general unsecured claims), Class 9 (subordinated general unsecured claims), and Class 10 (HMIT, as the former holder of the Class B/C Limited Partnership Interests). In short, the value of Dugaboy’s Class 11 interest is and has always been *de minimis*, at best. These facts are indisputable and can never be changed.

Recusal Matter is subject to Appellant's fully briefed Motion for Leave to file an appeal and is likewise ready for disposal. The Recusal Matter, the Class 11 Appeal, and the Stay Appeal are all subject to motions pending in the Bankruptcy Court to strike substantial portions of Appellant's record designations.<sup>3</sup>

Appellant knows all this but pushes the Consolidation Motion for the apparent and improper purpose of combining everything into a "witches brew" in an attempt to uniformly contaminate what are plainly independent Appeals. For example, during the HMIT Proceedings, Dugaboy never expressed any concerns about Judge Jernigan's impartiality nor did it move to recuse her at that time. Similarly, Dugaboy's Recusal Motion was a mere five-page motion, unsupported by *any* evidence, that never mentioned HMIT or the HMIT Proceedings that occurred just weeks earlier. Far from being "inextricably intertwined," this Appeal and the Recusal Matter have *no* overlapping legal or factual issues.<sup>4</sup> The same is true with respect to the other Appeals.

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<sup>3</sup> See Bankr. Docket No. 4434 (motion to strike substantial portions of the designated record concerning the appeal of the Recusal Order), attached as **Exhibit A**; Bankr. Docket No. 4450 (motion to strike substantial portions of the designated record concerning the appeal of the Class 11 Order), attached as **Exhibit B**; and Bankr. Docket No. 4451 (motion to strike substantial portions of the designated record concerning appeal of Stay Order), attached as **Exhibit C**.

<sup>4</sup> Further, the parties are different in those cases. While Dugaboy filed the Recusal Motion (along with Mr. Dondero and other of his affiliates), Dugaboy, Patrick Daugherty, the Dallas Foundation, and Crown Global Life Insurance, Ltd. all objected to the HMIT Motion. Mr. Daugherty [Bankr. Docket No. 4327] and Dugaboy [Bankr. Docket No. 4311] separately appealed the HMIT Merits Order, *which appeals were subsequently consolidated because they were appeals of the same order based on the same record*. See Doc 19. Here, even Mr. Daugherty opposes consolidating the

Rather than an earnest attempt to reduce the burden on the courts and the parties, the Consolidation Motion appears designed to, among other things, improperly have the interlocutory Recusal Order considered as part of the appeals of unrelated final orders so that it would be subject to a different standard of review. Such a result would violate Appellees' right to have each Appeal heard under the proper legal standard and on the basis of a record limited to the items admitted into evidence or considered by the Bankruptcy Court in connection with each Order.

There is simply no basis to consolidate facially disparate and unrelated Appeals. But consideration of the Consolidation Motion is also premature. Appellees respectfully request that this Court first determine the pending Motion to Dismiss. If granted, this Appeal will be dismissed and the Consolidation Motion and Stay Appeal will both be rendered moot—a result that would surely serve the interests of judicial economy.

In all events, the Consolidation Motion should be denied.

### **STATEMENT OF FACTS**

Appellant misrepresents and mischaracterizes the nature and status of the appeals subject to the Consolidation Motion and the parties, the records, and the relationships (or lack thereof) among them. Each of the four appeals subject to the

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Recusal Matter (where Mr. Daugherty is not a party) with this Appeal (where Mr. Daugherty is a party). *See* Doc 41.

Consolidation Motion (collectively, the “**Appeals**”) concerns a unique order (collectively, the “**Orders**”) entered by the United States Bankruptcy Court for the Northern District of Texas (Dallas Division) (the “**Bankruptcy Court**”) that resolved distinct motions filed at different times by different parties:

<b>Appeal</b>	<b>Case No.</b>
HMIT Merits Order	3:25-cv-01876-K
HMIT Stay Order	3:25-cv-02072-S
Recusal Order	3:25-cv-02579-B
Class 11 Interest Order	3:25-cv-02724-L

As described below, and contrary to Appellant’s conclusory assertions, the Appeals concern anything but “inextricably intertwined” Orders. Artificially melding the Appeals together would enable Dugaboy’s mischief and severely prejudice Highland’s ability to oppose each Appeal based on the distinct record underlying each Order.

**A. The HMIT Merits Appeal**

On May 19, 2025, Appellees moved for approval of a settlement with, and a sale of assets to, HMIT pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and 11 U.S.C. § 363. Bankr. Docket No. 4216 (the “**HMIT Motion**”). As the sole former holder of the Class B/C Limited Partnership Interests comprising 99.5% of the aggregate LP Interests in Highland outstanding as of the Petition Date, HMIT holds virtually all of the Class 10 interests under the Highland

Claimant Trust, interests that are expressly senior in priority to Dugaboy's unvested and contingent Class 11 interests under the Plan and the Claimant Trust Agreement.

Dugaboy objected to the HMIT Motion on the grounds that (a) it purportedly violated Highland's Claimant Trust Agreement, (b) there was allegedly "insufficient evidence" to support approval of the proposed settlement, and (c) the proposed releases were supposedly "vague and overly broad." Bankr. Docket No. 4230 (the "**HMIT Objection**"). Dugaboy's HMIT Objection did not question the Bankruptcy Court's impartiality, nor did it challenge Mark Patrick's authority to enter into the Settlement Agreement on HMIT's behalf or the calculation of HMIT's interest in Class 10.<sup>5</sup>

On June 25, 2025, the Bankruptcy Court held an evidentiary hearing on the HMIT Motion during which four witnesses testified and over 120 exhibits were admitted into evidence.<sup>6</sup> During the hearing, Dugaboy all but abandoned the HMIT Objection and instead pivoted to attack Mr. Patrick's authority and challenge the methodology Highland used to calculate HMIT's Class 10 interest despite neither

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<sup>5</sup> The Dallas Foundation and Crown Global Life Insurance Co., Ltd. were the only parties to object to Mr. Patrick's authority to act on HMIT's behalf [Bankr. Docket No. 4231], but those entities voluntarily withdrew their objections with prejudice prior to the hearing. Bankr. Docket No. 4291. For his part, Mr. Daugherty objected to the HMIT Motion on the grounds that it allegedly violated the absolute priority rule and that the proposed settlement and sale were otherwise not in the estate's best interests. Bankr. Docket No. 4229.

<sup>6</sup> As used herein, "**HMIT Proceedings**" generally refers to the activities related to the HMIT Motion, including the objections, the evidentiary hearing held before the Bankruptcy Court, and the Bankruptcy Court's order resolving that Motion (*i.e.*, the HMIT Merits Order).

issue having been mentioned by Dugaboy in its written objection submitted prior to the hearing. At no time during the HMIT Proceedings did Dugaboy express any concerns about Judge Jernigan’s alleged bias or move for her recusal.<sup>7</sup>

On June 30, 2025, the Bankruptcy Court entered the HMIT Merits Order granting Highland’s HMIT Motion pursuant to Bankruptcy Rule 9019 and 11 U.S.C. § 363. Bankr. Docket No. 4297.<sup>8</sup> Dugaboy and Mr. Daugherty separately appealed, but those appeals were consensually consolidated because they concerned the same Order, the same parties, and the same record. Doc. 19 (the “**HMIT Merits Appeal**”).

Thereafter, Highland moved to dismiss the HMIT Merits Appeal as statutorily moot. Doc. 21, 22 (the “**Motion to Dismiss**”). The Motion to Dismiss is fully briefed and ripe for determination. *See* Doc. 31, 32 (Daugherty opposition), 33 (Dugaboy opposition), and 36 (Appellees’ reply).

## **B. The Stay Appeal**

On July 17, 2025, Dugaboy filed a motion to stay implementation of the HMIT Merits Order [Bankr. Docket No. 4326] (the “**Stay Motion**”) based on a *Statement of Claim* (the “**Caymans Claim**”) filed in the Cayman Islands two days earlier by a Joint Official Liquidator (“**JOL**”) of a Cayman Islands entity (that was

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<sup>7</sup> Judge Jernigan’s willingness to permit Dugaboy to pursue previously unasserted objections during the hearing undermines Dugaboy’s never-ending contention that she is biased against Mr. Dondero and his affiliates.

<sup>8</sup> The settlement and sale have since been consummated with all asset sales closed and required distributions made.

not a party to the HMIT Proceedings or the agreements considered at the hearing) under Mr. Patrick’s control. *See* Stay Motion Ex. A.<sup>9</sup> In the Caymans Claim, the JOL alleged that Mr. Patrick engaged in wrongdoing with respect to entities that he controlled *other than HMIT or any of the parties to the HMIT settlement and sale agreement*. Indeed, neither “Hunter Mountain” nor “HMIT” nor any of the other parties to the agreements approved at the HMIT Proceedings are mentioned anywhere in the JOL’s 83-page Caymans Claim.

Thus, not surprisingly, while the JOL made a last-minute request that Appellees adjourn the HMIT Proceedings, the JOL (a) to this day, has never communicated with the Bankruptcy Court or appeared in the Highland bankruptcy or the HMIT Proceedings, and (b) did not join in Dugaboy’s Stay Motion.

In the Stay Motion, Dugaboy asked the Bankruptcy Court to “stay the 9019 Order for 90 days so that these *newly discovered allegations* can be investigated by Dugaboy and other stakeholders and a determination can be made as to whether a FRCP motion is necessary.” Stay Motion ¶ 33 (emphasis added). In other words, the Stay Motion was based on the unrelated Caymans Claim, a document that was never

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<sup>9</sup> During the HMIT Proceedings, Mr. Dondero admitted that he personally bankrolled the Cayman Islands litigation against Mr. Patrick and the Dallas Foundation’s objection to the HMIT Motion. Dugaboy, despite not having any interest in HMIT, pivoted to addressing the issue of Mr. Patrick’s authority to act on HMIT’s behalf at the last second following the Dallas Foundation’s (the only party to address the issue in a written objection) withdrawal of its objection with prejudice on the eve of the hearing. Bankr. Docket No. 4291.



offered into evidence or considered by the Bankruptcy Court during the HMIT Proceedings for the simple reason that it did not exist.<sup>10</sup>

On July 21, 2025, the Bankruptcy Court issued a Memorandum Opinion denying the Stay Motion. Bankr. Docket No. 4333 (the “**Stay Order**”).<sup>11</sup> Rebutting Dugaboy’s latest contention, the Bankruptcy Court expressly found that “*[w]hatever the misdeeds may or may not be of Mark Patrick, they are not sufficiently intertwined with the Highland bankruptcy estate (or the Settlement Agreement) to justify a stay.*” Stay Order at 4 (emphasis in original).

Neither the Stay Motion nor the Stay Order raised or addressed any issues concerning Judge Jernigan’s alleged bias against Mr. Dondero and his affiliated entities or any request for her recusal.

After filing its notice of appeal [Bankr. Docket No. 4353], Dugaboy filed its *Statement of Issues to Be Presented and Amended Designation of Items to Be Included in the Record on Appeal from the Bankruptcy Court’s Order Regarding*

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<sup>10</sup> Notably, while the Stay Motion sought to prevent consummation of the transactions subject to the HMIT Motion, the denial of the Stay Motion did not impede the JOL and/or Dugaboy from conducting whatever “investigation” they deemed necessary. Yet, despite filing the Stay Motion more than 90 days ago, Dugaboy has not filed a FRCP 60 motion—and neither the Dallas Foundation nor any other purported “stakeholder” has sought any relief anywhere with respect to the HMIT Merits Order.

<sup>11</sup> The Bankruptcy Court also denied an informal request filed by the Attorney General of the State of Texas to stay the entire Highland bankruptcy case so that it could investigate unidentified persons or entities subject to the Attorney General’s jurisdiction. Other than filing the informal request, the Attorney General never appeared in the Highland bankruptcy case, never participated in the HMIT Proceedings, and never appealed the Stay Order. Upon information and belief, Mr. Dondero, or someone acting at his direction, filed the complaint with the Attorney General’s office.

*Stay Requests* [Bankr. Docket No. 4411] (the “**Stay Statement**”). Even though the issues of bias and recusal were never raised or addressed in the Stay Motion or Stay Order, Dugaboy improperly identified them as appellate issues and designated dozens of items concerning the long and tortured history of Dugaboy’s five attempts to force Judge Jernigan off the Highland bankruptcy case and other matters untethered to the Stay Order. Consequently, Appellees were forced to move to strike dozens of items improperly designated by Dugaboy in its Stay Statement. *See* Exhibit C.<sup>12</sup>

One last note: Appellees are concerned by Mr. Daugherty’s willingness to have the Stay Appeal consolidated with the HMIT Merits Appeal (Doc. 41) since Mr. Daugherty is an appellant in the HMIT Merits Appeal but not the Stay Appeal (nor did he join the Stay Motion). Perhaps smelling the “witches brew,” Mr. Daugherty apparently wants the Court to consider the Caymans Claim in the context of the HMIT Merits Appeal even though that particular document was not considered as part of the HMIT Proceedings—again highlighting the improper nature of the Consolidation Motion.

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<sup>12</sup> As with all the Appeals, Appellees reserve the right to contest on any ground any issue Dugaboy presents on appeal, including on the ground that such issues were not raised below or otherwise preserved for appeal.

### C. The Recusal Matter

On August 15, 2025, James Dondero and his controlled entities, NexPoint Asset Management, L.P. (f/k/a Highland Capital Management Fund Advisors, L.P.), NexPoint Advisors, L.P., NexPoint Real Estate Partners, LLC, the Get Good Trust, and Dugaboy, filed their fifth Motion for Recusal. Bankr. Docket No. 4372 (the “**Recusal Motion**”).

The Recusal Motion was (a) just over five pages long, (b) unsupported by *any* evidence, and (c) limited to regurgitated arguments concerning the standard of review for recusal motions and Judge Jernigan’s authorship of two novels, issues Appellant raised previously and that were rejected by the United States Court of Appeals for the Fifth Circuit.<sup>13</sup> Despite their recent vintage, *the Recusal Motion did not mention the HMIT Proceedings, the HMIT Merits Order, the Stay Motion, or the Stay Order.*

Based on this negligible record, the Bankruptcy Court denied the Recusal Motion in a single paragraph, citing the Fifth Circuit’s Affirming Opinion and holding that the Fifth Recusal Motion was barred by *res judicata*.<sup>14</sup> Bankr. Docket No. 4379 (the “**Recusal Order**”).

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<sup>13</sup> *Dondero v. Jernigan*, 2025 U.S. App. LEXIS 9054 (5th Cir. Apr. 16, 2025) (affirming District Court’s denial of petitioners’ petition for a writ of mandamus based, in part, on Judge Jernigan’s novels (the “**Affirming Opinion**”)); 2025 U.S. App. LEXIS 12663 (5th Cir. May 23, 2025) (denying petition for rehearing *en banc*)

<sup>14</sup> The substance of the Recusal Order was stated in “[t]wo words: *res judicata*.” Recusal Order at 4.

Dugaboy appealed the Recusal Order. Bankr. Docket No. 4406. Within days, Judge Boyle issued an electronic order, *sua sponte*, rejecting Dugaboy's improper attempt to directly appeal the interlocutory Recusal Order and directing Dugaboy to file a motion for leave to appeal pursuant to Bankruptcy Rule 8004 by a date certain.<sup>15</sup> Since then, Dugaboy reluctantly filed its motion for leave,<sup>16</sup> Appellees have filed their opposition,<sup>17</sup> and Dugaboy's Motion for Leave is *sub judice*.

In the midst of all that, Dugaboy filed its *Statement of Issues to Be Presented and Designation of Items to Be Included in the Record on Appeal from the Bankruptcy Court's Order Denying Motion to Recuse Judge* [Bankr. Docket No. 4431] (the "**Recusal Statement**"). As it did with the Stay Statement, Dugaboy purports to present issues on appeal that were never raised in the Recusal Motion or Recusal Order and designates dozens of items (including the long and tortured history of Dugaboy's five recusal motions and what appears to be the entire record of the HMIT Proceedings) that were never offered or admitted into evidence or considered by the Bankruptcy Court. Consequently, Appellees were forced to

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<sup>15</sup> See *The Dugaboy Inv. Tr. v. Highland Cap. Mgmt., L.P.*, Case No. 3:25-cv-02579-B, Doc 2 (electronic order).

<sup>16</sup> Judge Boyle was not the first judge to instruct Dugaboy that recusal orders are interlocutory and can only be appealed with leave of court; remarkably, this Court did the exact same thing less than four years ago. See *Dondero v. Jernigan*, Case No. 3:21-cv-00879-K, Doc. 39 (N.D. Tex. Feb. 9, 2022). Dugaboy still resists, styling its pleading as: *To the Extent Necessary, Appellant the Dugaboy Investment Trust's Motion for Leave to Appeal Order Denying Fifth Motion to Recuse* (3:25-cv-02579-B, Doc. 17) (the "**Motion for Leave**").

<sup>17</sup> See 3:25-cv-02579-B, Doc. 23.

expend resources on a motion to strike the improperly designated items. *See* Exhibit A.<sup>18</sup>

#### **D. The Class 11 Appeal**

On August 8, 2025, the Claimant Trust filed a *Motion for Order Fixing Allowed Amount of Class 11 Interests* [Bankr. Docket No. 4362] (the “**Class 11 Motion**”) pursuant to which the Claimant Trust sought to fix the allowed amount of the unvested Class 11 Contingent Claimant Trust Interests of Dugaboy and the other holders of such interests.<sup>19</sup>

Dugaboy was the only holder of a Class 11 Contingent Claimant Trust Interest to object to the Class 11 Motion. In its objection [Bankr. Docket No. 4384] (the “**Class 11 Objection**”), Dugaboy contended that (a) “excess funds and surplus assets” remaining after senior obligations were satisfied “must revert to the equity interest holders”, (b) Dugaboy was “entitled to share in any such distribution in proportion to its 0.5% [sic] equity interest”, (c) the relief requested allegedly violated

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<sup>18</sup> Finally, Appellees note that Mr. Daugherty also opposes the consolidation of the Recusal Matter with the HMIT Merits Appeal.

<sup>19</sup> Holders of Class 11 Contingent Claimant Trust Interests are those people and entities that held all of Highland’s Class A LP Interests as of the petition date, with such LP Interests being, collectively, 0.5% of Highland’s LP Interests, allocated as follows: (a) Dugaboy (0.1866%), (b) Strand (0.2508%), (c) Mark K. Okada (0.0487%), (d) The Mark and Pamela Okada Family Trust—Exempt Trust # 1 (0.0098%), and (e) The Mark and Pamela Okada Family Trust—Exempt Trust # 2 (0.0042%). Bankr. Docket No. 4392, Ex. 1 (*Fourth Amended and Restated Agreement of Limited Partnership of Highland Capital Management, L.P.* (the “**LP Agreement**”), Ex. A. Under the LP Agreement, Class A interests were subordinated to the Class B and Class C LP Interests, all of which were held by HMIT and which totaled 99.5% of Highland’s LP Interests in the aggregate. *Id.*

the absolute priority rule, and (d) the method of calculating the value of Dugaboy's Class 11 interest was "unreliable and contrary to the principles of bankruptcy law." Class 11 Objection at 2.

In its reply [Bankr. Docket No. 4393] (the "**Reply**"), the Claimant Trust established that Dugaboy's first three issues were not only wrong, but they ignored or mischaracterized the applicable terms of the Plan and Claimant Trust Agreement (the "**CTA**")—terms that were never challenged and that have been in place since the Plan and CTA went effective in 2021.<sup>20</sup>

The Bankruptcy Court conducted an evidentiary hearing on September 18, 2025, on the Class 11 Motion. Dugaboy did not offer any documents into evidence and called no witnesses. Bankr. Docket No. 4395. The Claimant Trustee, James P. Seery, Jr., testified on the Claimant Trust's behalf and the Claimant Trust offered 10 documents into evidence (including the LP Agreement and applicable excerpts of the Plan and CTA), all of which were admitted. *See* Bankr. Docket No. 4394.

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<sup>20</sup> In short, Dugaboy argued that it should receive its 0.01866% *pro rata* share of any excess assets after the satisfaction of senior obligations (meaning through Class 9). But that's not how the Plan and CTA work. As the Claimant Trust explained in its Reply, the former LP Interests were extinguished (without objection) under the Plan and converted to either contingent, unvested Class 10 interests (for former Class B and Class C LP Interests) or contingent, unvested Class 11 interests (for former Class A interests). Contrary to Dugaboy's assertions in its Class 11 Objection, (a) no "equity interests" exist today, and (b) holders of Class 11 interests are subordinated to holders of Class 10 interests, just as holders of Class A LP Interests were subordinated to holders of Class B and Class C interests prior to the petition date.

Dugaboy strains to connect the hearing on the HMIT Motion with the hearing on the Class 11 Motion on the ground that the Claimant Trust used “the same methodology” to determine the value of the Class 10 interests as it did the Class 11 interests. This ignores the fact that the evidence in the two hearings was vastly different on this point, and for good reason: no one objected to the methodology used to fix the Class 10 interests, so the Claimant Trust only needed to offer evidence sufficient to meet its prima facie case.

In contrast, Dugaboy affirmatively objected to the methodology as part of its objection to the Class 11 Motion, and the Claimant Trust offered substantially more testimony on the issue. Thus, not only were the parties different,<sup>21</sup> the evidence on the very point Dugaboy claims links the two proceedings is different. Moreover, aside from this one issue, nothing that occurred in the HMIT Proceedings is relevant to the Class 11 Motion or vice-versa.<sup>22</sup>

Ultimately, the Bankruptcy Court overruled Dugaboy’s Class 11 Objection and granted Appellees’ Class 11 Motion. Bankr. Docket No. 4401 (the “**Class 11**

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<sup>21</sup> As part of the settlement, HMIT and the Claimant Trust agreed on a value of HMIT’s Class 10 interest and the methodology used to obtain that value. While HMIT was an active participant in the HMIT Proceedings, the Appeal of the HMIT Merits Order should not be infected with a record HMIT did not create.

<sup>22</sup> Notably, Dugaboy did not call any witness, offer any documents, or offer any alternative methodology with respect to the valuation of the Class 10 and Class 11 interests. Thus, and given that the Bankruptcy Court’s decisions on the issue of valuation were based, in part, on assessing Mr. Seery’s credibility, Dugaboy has virtually no chance of succeeding on appeal.

**Order**”). Dugaboy appealed [Bankr. Docket No. 4423] and again filed a *Statement of Issues to Be Presented and Amended Designation of Items to Be Included in the Record on Appeal from the Bankruptcy Court’s Order Fixing Allowed Amount of Class 11 Interests* [Bankr. Docket No. 4443] (the “**Class 11 Statement**”). Like the others, Dugaboy’s Class 11 Statement includes issues that were never raised and designated items that were never offered or admitted into evidence or considered by the Bankruptcy Court when rendering the Class 11 Order. Perhaps the most egregious example is the supposed issue of whether—despite what this Court and Judge Boyle have expressly told Dugaboy—the Class 11 Order “constitute[s] a ‘final’ judgment or order, thereby giving the District Court jurisdiction for appellate review of the Bankruptcy Court’s Order denying Dugaboy’s Motion to Recuse.” Class 11 Statement at 2 (Issue No. 7).<sup>23</sup>

Again, Appellees were forced to make a motion to strike extensive portions of the items designated in the Class 11 Statement.<sup>24</sup>

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<sup>23</sup> Dugaboy’s desperate effort to tie the interlocutory Recusal Order (entered on September 9 with no evidentiary record) to the Class 11 Order entered weeks later has no basis in the law and relies on a mischaracterization of Judge Jernigan’s comments. Judge Jernigan was frustrated, and understandably so. Dugaboy has a *de minimis* interest but has been relentlessly fighting everything for years. Yet, just since June, six different lawyers from four different law firms showed up to represent Dugaboy in the above-referenced matters, often to present arguments that have been repeatedly raised and rejected—such as whether a recusal order is “interlocutory” (an issue this Court resolved years ago). See Bankr. Docket Nos. 4240, 4312, 4352, and 4353.

<sup>24</sup> Finally, Appellees note that Mr. Daugherty also opposes the consolidation of the Recusal Matter with the HMIT Merits Appeal.



## **ARGUMENT**

### **A. Dugaboy's Motives Are Highly Suspect**

The Fifth Circuit previously found that in 2020, when Mr. Dondero was unable to coerce creditors to accept his plan, he and his affiliates “began to frustrate the proceedings by objecting to settlements, appealing orders, seeking writs or mandamus, interfering with Highland Capital’s management, threatening employees and cancelling trades between Highland Capital and its clients,” all to make good on his threat to “burn the place down.”<sup>25</sup>

With little at stake, Dugaboy’s Consolidation Motion is more of the same: wasteful litigation for the apparent purpose of seeking retribution, this time against Judge Jernigan. Indeed, Dugaboy shows its hand, forthrightly stating that it is trying to use “consolidation” to obtain appellate review of the interlocutory Recusal Order. Consolidation Motion at 8 n.5. The methods are also transparent: inject “recusal” and other irrelevant issues into the record, mix it with “final orders,” and demand that they that all be treated as one appeal.

The Court should firmly reject such gamesmanship.

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<sup>25</sup> *NexPoint Advisors, L.P. v. Highland Cap. Mgmt., L.P. (In re Highland Cap. Mgmt., L.P.)*, 48 F.4th 419, 426 (5th Cir. 2022).

**B. The Court Should Decide the Motion to Dismiss and, if that Motion Is Denied, Decline to Consolidate**

The Motion to Dismiss is ripe for determination and, Appellees believe, meritorious. In the interests of judicial efficiency, Appellees respectfully request that the Court determine the Motion to Dismiss *before* considering the Consolidation Motion, because if that Motion is granted, (a) the HMIT Merits Appeal will be dismissed, (b) the Stay Appeal will be dismissed as moot, and (c) the Motion to Strike pertaining to the Stay Motion will also be rendered moot.

If this Court considers the Consolidation Motion, Appellees agree that this Court—as the “first filed” court—is the proper court to do so and that this Court has broad discretion to decide whether to consolidate pending matters. It should decline to do so.

Based on the review above, viewed fairly, the four Appeals concern different Orders, rendered at different times, in response to different motions raising different legal issues, brought by different parties, based on different records. Appellees oppose the Consolidation Motion in all respects. Mr. Daugherty’s view seems calculating—he wants to consolidate an appeal in which he is not a party into one in which he is, while opposing consolidation of two other appeals. And, of course, Dugaboy seeks to mix an interlocutory order (*i.e.*, the Recusal Order) in a pot with unrelated “final” orders.

This Court should reject Dugaboy's attempt to cook a "witches brew," and instead deny the Consolidation Motion and require that each of the Appeals be independently prepared in its own pot. Anything else would infringe on Appellees' right to have the Appeals of unique, separate orders determined on the basis of unique, separate records.

### **CONCLUSION**

For the foregoing reasons, Appellees respectfully request that the Court (a) rule on the pending Motion to Dismiss, and (b) if necessary, deny the Consolidation Motion in its entirety and grant Appellees such further and additional relief as the Court deems necessary and appropriate.

Dated: October 30, 2025

#### **PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (admitted *pro hac vice*)  
John A. Morris (admitted *pro hac vice*)  
Jordan A. Kroop (admitted *pro hac vice*)  
Hayley R. Winograd (admitted *pro hac vice*)  
10100 Santa Monica Boulevard, 13th Floor  
Los Angeles, CA 90067  
Tel: (310) 277-6910  
Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)  
[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)  
[jkroop@pszjlaw.com](mailto:jkroop@pszjlaw.com)  
[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)

#### **HAYWARD PLLC**

/s/ Zachery Z. Annable  
Melissa S. Hayward  
Texas Bar No. 24044908  
[MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com)  
Zachery Z. Annable  
Texas Bar No. 24053075  
[ZAnnable@HaywardFirm.com](mailto:ZAnnable@HaywardFirm.com)  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100

*Counsel for Highland Capital Management, L.P. and the Highland Claimant Trust*

**CERTIFICATE OF COMPLIANCE**

1. This document complies with Fed. R. Bankr. P. 8013(f)(3)(A) because, excluding the portions excluded by Fed. R. Bankr. P. 8015(g), this document contains 4,820 words.
2. This document complies with Fed. R. Bankr. P. 8015(a)(5) and (6) because it has been prepared using Microsoft Word in a proportionally spaced typeface (Times New Roman), 14-point type (12-point type for footnotes).

/s/ Zachery Z. Annable  
Zachery Z. Annable

**CERTIFICATE OF SERVICE**

I certify that, on October 30, 2025, a copy of this document was served electronically via the Court's CM/ECF system to all parties registered to receive electronic notices in this case.

/s/ Zachery Z. Annable  
Zachery Z. Annable

## **EXHIBIT A**

PACHULSKI STANG ZIEHL & JONES LLP  
Jeffrey N. Pomerantz (admitted *pro hac vice*)  
John A. Morris (admitted *pro hac vice*)  
Gregory V. Demo (admitted *pro hac vice*)  
Hayley R. Winograd (admitted *pro hac vice*)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Tel: (310) 277-6910

HAYWARD PLLC  
Melissa S. Hayward  
Texas Bar No. 24044908  
MHayward@HaywardFirm.com  
Zachery Z. Annable  
Texas Bar No. 24053075  
ZAnnable@HaywardFirm.com  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100

*Counsel for Highland Capital Management, L.P.  
and the Highland Claimant Trust*

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

In re:	)	
	)	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	)	
	)	Case No. 19-34054-sgj11
Reorganized Debtor.	)	
	)	

**APPELLEES' MOTION TO STRIKE ITEMS IMPROPERLY DESIGNATED AS  
PART OF THE RECORD ON APPEAL**

Highland Capital Management, L.P. ("Highland"), the reorganized debtor in the above-captioned chapter 11 case (the "Bankruptcy Case"), and the Highland Claimant Trust (the "Claimant Trust," and together with Highland, the "Appellees"), appellees in the appeal of this Court's *Order Denying Fifth Motion to Recuse Judge* [Docket No. 4379] (the "Recusal Order")

<sup>1</sup> 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, TX 75201.

being prosecuted by The Dugaboy Investment Trust (“Dugaboy” or “Appellant”), files this motion (the “Motion”) pursuant to Rule 8009(e) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) for entry of an order, substantially in the form attached as Exhibit A (the “Proposed Order”), striking certain items that Dugaboy improperly designated as part of the record on its appeal of the Recusal Order. In support of their Motion, Appellees respectfully state as follows:

### **PRELIMINARY STATEMENT**<sup>2</sup>

1. In August, Dugaboy filed its fifth motion to recuse Judge Jernigan.<sup>3</sup> Disregarding the Fifth Circuit’s rejection of its earlier recusal efforts, Dugaboy’s latest recusal motion was (a) just over five pages, (b) unsupported by any evidence, and (c) limited to arguments concerning the standard of review for recusal motions and Judge Jernigan’s authorship of two novels.

2. Based on this concise record, the Bankruptcy Court provided an overview of Dugaboy’s prior recusal motions and denied the Recusal Motion in a single paragraph, holding it was barred by *res judicata*. The Bankruptcy Court also observed that Dugaboy’s recusal motions “always seem to be raised when adverse rulings have recently been rendered or perhaps seem imminent” and that Dugaboy otherwise failed to meet its burden of proving bias.

3. Despite the brevity of the Recusal Motion and Recusal Order and the absence of an evidentiary record, with the intent of creating further chaos and burdening Highland and the judiciary with already-decided and otherwise improper issues, Dugaboy ginned up nine appellate issues and presented a record containing 66 separate items spanning thousands of pages—none of

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<sup>2</sup> Capitalized terms not defined in this Preliminary Statement shall have the meanings ascribed to them below.

<sup>3</sup> James Dondero, NexPoint Asset Management (f/k/a Highland Capital Management Fund Advisors, L.P.), NexPoint Advisors, L.P., NexPoint Real Estate Partners, LLC, and the Get Good Trust were also parties to the Recusal Motion, but only Dugaboy appealed the Recusal Order.

which were ever offered or admitted into evidence and few of which were cited by Dugaboy in its Recusal Motion or considered by the Court when rendering the Recusal Order.

4. This Motion is not an academic exercise. After its Notice of Appeal was rejected by the District Court because the Recusal Order was (as Dugaboy knew) interlocutory, Dugaboy filed its Motion for Leave. Dugaboy's Motion for Leave is based largely on the Improper Items and ties the Recusal Order to two completely unrelated "final" orders in an outrageous attempt to persuade the District Court to treat the Recusal Order itself as "final." Neither Highland nor the District Court should be burdened with reviewing and addressing issues concerning the Improper Items because they were never presented to or considered by the Bankruptcy Court and they are part of Dugaboy's illicit strategy to obtain what the Fifth Circuit already declined to provide: a change in the law that would require *de novo* review of an interlocutory recusal order.<sup>4</sup> All of this floundering around by Dugaboy is part of Mr. Dondero's efforts to harass Highland and the Claimant Trust and his explicit request for a "do-over" of the Bankruptcy Case. These improper tactics and motives must not be countenanced.

5. For the reasons set forth herein, the Improper Items should be stricken from the record on appeal.

### **RELEVANT BACKGROUND**

6. On August 15, 2025, Dugaboy filed its *Motion for Recusal* [Docket No. 4372] (the "Recusal Motion"). The Recusal Motion—Dugaboy's fifth attempt to push Judge Jernigan out of the Bankruptcy Case—was a mere five pages long, focused on the standard of review for recusal decisions, and commented on two novels authored by Judge Jernigan. Dugaboy did not offer any

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<sup>4</sup> Highland must respond to Dugaboy's Motion for Leave by October 24, 2025, but intends to file an emergency motion with the District Court to suspend further briefing pending the outcome of this Motion.



documents into evidence. Dugaboy did not refer to Hunter Mountain Investment Trust (“HMIT”) or the HMIT Proceedings that took place nearly two months earlier.<sup>5</sup> And Dugaboy did not disclose that its arguments were previously presented to, and rejected by, the United States Court of Appeals for the Fifth Circuit (the “Fifth Circuit”).

7. On September 2, 2025, the Bankruptcy Court issued the Recusal Order without hearing argument or receiving any opposition from Appellees. In the Recusal Order, the Bankruptcy Court provided a brief summary of the litigation concerning Dugaboy’s earlier recusal machinations and denied the Recusal Motion in a single paragraph, holding that the Recusal Motion was barred by *res judicata* because Dugaboy’s arguments were previously decided by the Fifth Circuit.<sup>6</sup>

8. On September 16, 2025, Dugaboy filed its *Notice of Appeal of Order Denying Motion to Recuse [Addressing DE ## 4372 and 4379]* [Docket No. 4396] (“Notice of Appeal”). The Notice of Appeal attached a copy of the Recusal Order and made no reference to HMIT, the HMIT Proceedings, or any other order entered by the Bankruptcy Court.

9. Dugaboy’s appeal was assigned to Judge Boyle of the United States District Court, Case No. 3:25-cv-02579-B. On September 26, 2025, Judge Boyle issued an electronic order *sua sponte* ruling that, because it is an interlocutory order, the Recusal Order could only be appealed with leave of court pursuant to Bankruptcy Rule 8004 and gave Dugaboy until October 10 to file

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<sup>5</sup> “HMIT Proceedings” generally refers to the evidentiary hearing held before the Bankruptcy Court on June 25, 2025, concerning *Highland’s Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. § 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith* [Docket No. 4216], the Bankruptcy Court’s order resolving that motion, and related matters. [Docket No. 4297]. The Bankruptcy Court’s order entered in connection with the HMIT Proceedings is the subject of another appeal (that Appellees have moved to dismiss). See generally *Dugaboy v. Highland Cap. Mgmt., L.P.*, Case No. 3:25-cv-01876-K (N.D. Tex.).

<sup>6</sup> The Bankruptcy Court made a passing reference to the order rendered in the HMIT Proceedings (Recusal Order at 3) for the sole purpose of noting that Dugaboy’s recusal motions “always seem to be raised when adverse rulings have recently been rendered or perhaps seem imminent.” Recusal Order at 4. The HMIT Proceedings otherwise had no bearing on the Recusal Order.

a motion for leave to appeal the Recusal Order. *See* Case No. 3:25-cv-02579-B, Docket No. 2.<sup>7</sup>

10. On September 30, 2025, Dugaboy filed its *Statement of Issues to Be Presented and Designation of Items to Be Included in the Record on Appeal from the Bankruptcy Court’s Order Denying Motion to Recuse Judge [Docket No. 4379] [Docket No. 4418]* (the “Initial Statement of Issues”). On October 9, 2025, apparently in response to a communication from the Clerk of the Court (*see* Docket No. 4430), Dugaboy filed a modified version of the Initial Statement of Issues [Docket No. 4431] (the “Statement of Issues”).

11. Notwithstanding the modest record and the limited scope of the Recusal Motion and the Recusal Order, in its Statement of Issues, Dugaboy manufactured nine (9) issues for appeal and designated 66 items to be included in the record on appeal (the “Designated Items”). The Designated Items include (a) dozens of items from the HMIT Proceedings (including complete witness and exhibit lists, transcripts, and pleadings), and (b) extensive documentation from earlier recusal proceedings that Dugaboy never referred to in its Recusal Motion and the Bankruptcy Court never considered in its Recusal Order. Attached as **Exhibit 1** to the Proposed Order is a list of improperly Designated Items (collectively, the “Improper Items”).

12. On October 10, 2025, Dugaboy filed a document called: *To the Extent Necessary, Appellant The Dugaboy Investment Trust’s Motion for Leave to Appeal Order Denying Fifth Motion to Recuse* [Case No. 3:25-cv-02579-B, Docket No. 17] (the “Motion for Leave”). Dugaboy’s Motion for Leave continues Mr. Dondero’s desperate and regrettable character assassination of a long-time, reputable jurist with an unimpeachable record and reputation. Most

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<sup>7</sup> Dugaboy and its counsel knew the Recusal Order was interlocutory and leave of court was required because four years earlier—when Dugaboy attempted to directly appeal the Bankruptcy Court’s denial of its first recusal motion—Judge Kinkeade explicitly told them so. *See Dondero v. Jernigan*, Case No. 3:21-cv-00879-K, Docket Nos. 28, 39. Nevertheless, disregarding Bankruptcy Rule 8004 and Judge Kinkeade’s express ruling, Dugaboy filed its Notice of Appeal.

importantly for this purpose, Dugaboy's Motion for Leave disingenuously relies upon, among other things, the Improper Items, including those concerning the HMIT Proceedings and other matters that were never presented by Dugaboy in its Recusal Motion or considered by the Bankruptcy Court in its Recusal Order.

### **ARGUMENT**

13. Bankruptcy Rule 8009(e)(1) provides: "If any difference arises about whether the record accurately discloses what occurred in the bankruptcy court, the difference must be submitted to and settled by the bankruptcy court and the record conformed accordingly. If an item has been improperly designated as part of the record on appeal, a party may move to strike that item." Bankruptcy Rule 8009(e)(1) vests this Court with sole authority to consider such a motion.<sup>8</sup>

14. In doing so, this Court should be guided by Fifth Circuit precedent, including the leading case of *Wooley v. Haynes & Boone, L.L.P. (In re SI Restructuring Inc.)*, in which the Fifth Circuit affirmed the district court's affirmance of the bankruptcy court's granting of a motion to strike "documents [designated] as part of the [appellate] record even though the documents were never properly admitted to this proceeding."<sup>9</sup> Citing Bankruptcy Rule 8006 (the predecessor rule to Bankruptcy Rule 8009) and the Fifth Circuit's earlier case of *Zer-Ilan v. Frankford (In re CPDC Inc.)*,<sup>10</sup> the Fifth Circuit held that because "the disputed evidence was not admitted as evidence before the bankruptcy court when it ruled on the ... motion," those items were properly stricken

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<sup>8</sup> See *Lockwood v. GlassRatner Advisory & Cap. Grp. LLC (In re Lockwood Holdings Inc.)*, No. 4:21-cv-00456, 2024 U.S. Dist. LEXIS 30186, at \*6 (S.D. Tex. Feb. 22, 2024) (Rule 8009 "provides that the bankruptcy court resolves disputes over designation of items to the record on appeal—not the district court to which an appeal is assigned"); *In re Digerati Techs., Inc.*, 531 B.R. 654, 660 (Bankr. S.D. Tex. 2015) (same).

<sup>9</sup> 480 F. App'x 327, 328 (5th Cir. 2012).

<sup>10</sup> 337 F.3d 436, 443 (5th Cir. 2003) ("Rule 8006 provides that the record on appeal from a bankruptcy court decision consists of designated materials that became part of the bankruptcy court's record in the first instance. The rule does not permit items to be added to the record on appeal to the district court if they were not part of the record before the bankruptcy court.").

from the appellate record.<sup>11</sup>

15. Even though Bankruptcy Rule 8009(e) uses slightly different language than its predecessor rule,<sup>12</sup> courts have maintained the vitality of the Fifth Circuit precedent of *SI Restructuring* and *CPDC* in considering motions to strike under the newer rule. For example, in *Carmichael*, the court observed that appellants “cannot use their designation to create a version of the appellate record that does not reflect [their] presentation of evidence in the Bankruptcy Court ... The Court’s primary concern is supplying the District Court with a record that ‘accurately discloses what occurred in the bankruptcy court.’ Fed. R. Bankr. P. 8009(e).”<sup>13</sup>

16. As the court in *Digerati Technologies* noted, this approach also finds support outside the Fifth Circuit: “Other courts applying former Rule 8006 agree with the view that although pleadings do not need to be introduced into evidence to be subsequently designated for appeal, they can only be designated if the bankruptcy court actually considered these pleadings in rendering its ruling.”<sup>14</sup>

17. Based on the foregoing, the Bankruptcy Court should strike the Improper Items from the record because they were not offered or admitted into evidence and the Bankruptcy Court never considered them when rendering the Recusal Order. Moreover, Dugaboy will never be able to credibly explain why it failed to offer the Improper Items into evidence in support of its Recusal

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<sup>11</sup> 480 F. App’x at 328.

<sup>12</sup> In *Digerati Technologies*, 531 B.R. at 660, the court noted that, because Rule 8009(e) was “fairly new” and had “no case law at this point interpreting this new rule,” it would “look to case law interpreting the predecessor to Rule 8009”—that is, former Bankruptcy Rule 8006 (which formed the basis for the ruling in *SI Restructuring*).

<sup>13</sup> See *Carmichael v. Blake (In re Imperial Petroleum Recovery Corp.)*, No. 13-30466, 2022 Bankr. LEXIS 32, at \*6–13 (Bankr. S.D. Tex. Jan. 7, 2022) (relying on *SI Restructuring* to strike designated items because the “items were not admitted into evidence at trial or explicitly accepted as proffers” and rejecting that “each item’s filing is sufficient to warrant its inclusion in the appellate designation”); see also *Digerati Techs.*, 531 B.R. at 663 (holding that items not before the court and not considered by it in rendering its decision should not be included in the record).

<sup>14</sup> 531 B.R. at 663 (citing *In re Chateaugay Corp.*, 64 B.R. 990, 995 (S.D.N.Y. 1986) and *In re Nashaminy Off. Bldg. Assocs.*, 62 B.R. 798, 802 (E.D. Pa. 1986)).

Motion or how it would be prejudiced by the granting of the Motion because the Improper Items were never considered by the Bankruptcy Court.

18. Conversely, Appellees would be severely prejudiced by the inclusion of the Improper Items because Dugaboy would be able to use the Improper Items to challenge the Recusal Order even though this Court never considered those items—in other words, including those Improper Items would, in Judge Isgur’s words, fail to “supply[ ] the District Court with a record that ‘accurately discloses what occurred in the bankruptcy court,’” giving Dugaboy an unwarranted advantage and distorting the appellate proceedings.

### **PRAYER**

WHEREFORE, Appellees respectfully request that the Court (i) enter the Proposed Order granting the Motion and (ii) grant Appellees such further and additional relief as the Court deems necessary and appropriate.

DATED: October 16, 2025

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (admitted *pro hac vice*)

John A. Morris (admitted *pro hac vice*)

Gregory V. Demo (admitted *pro hac vice*)

Hayley R. Winograd (admitted *pro hac vice*)

10100 Santa Monica Boulevard, 13th Floor

Los Angeles, CA 90067

Tel: (310) 277-6910

Fax: (310) 201-0760

Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)

[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)

[gdemo@pszjlaw.com](mailto:gdemo@pszjlaw.com)

[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)

-and-

**HAYWARD PLLC**

/s/ Zachery Z. Annable

Melissa S. Hayward

Texas Bar No. 24044908

[MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com)

Zachery Z. Annable

Texas Bar No. 24053075

[ZAnnable@HaywardFirm.com](mailto:ZAnnable@HaywardFirm.com)

10501 N. Central Expy, Ste. 106

Dallas, Texas 75231

Tel: (972) 755-7100

Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P.,  
and the Highland Claimant Trust*

## **EXHIBIT A**

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

-----  
In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.  
-----

§  
§  
§  
§  
§  
§

Chapter 11

Case No. 19-34054-sgj11

**ORDER STRIKING ITEMS  
IMPROPERLY DESIGNATED AS PART OF THE RECORD ON APPEAL**

Upon consideration of *Appellees' Motion to Strike Items Improperly Designated as Part of the Record on Appeal* [Docket No. \_\_\_\_] (the "Motion")<sup>2</sup> filed by Highland Capital Management, L.P. and the Highland Claimant Trust; and the Court having found that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and Federal Rule of Bankruptcy Procedure 8009(e); (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; (d) notice

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<sup>1</sup> The last four digits of the Reorganized Debtor's taxpayer identification number are 8357. The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings ascribed to such terms in the Motion.



of the Motion was proper and sufficient under the circumstances and no further or additional notice need be given; and (e) the factual and legal bases set forth in the Motion establish sufficient cause for the relief granted in this Order; after due deliberation, **IT IS ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Improper Items set forth on **Exhibit 1** are stricken from the record on Dugaboy's appeal of the Recusal Order, and the Clerk of the Court is directed to take all steps necessary to effectuate this provision.
3. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

###End of Order###

**EXHIBIT 1**

**LIST OF IMPROPER ITEMS TO BE STRICKEN  
FROM THE RECORD ON THE APPEAL OF THE RECUSAL ORDER<sup>1</sup>**

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<sup>1</sup> For the avoidance of doubt, and to assist the Bankruptcy Court and the Clerk of the Court, Appellees do **not** object to the inclusion in the record of (a) the following Designated Items (identified by docket entries on the main docket maintained by the Bankruptcy Court): 2060, 2061, 2062, 2083, 3406, 3470, 3471, 3479, 3570, 3571, 3675, 3676, 4230, 4297, 4311, 4326, 4334, 4372, 4396, and 4379, or (b) the items designated in *Appellees' Supplemental Designation of Record on Appeal* [Docket No. 4433].

Date Filed	Docket No.	Description/Docket Text
2/22/2021	1943	Order confirming the fifth amended chapter 11 plan, as modified and granting related relief (RE: related document(s)1472 Chapter 11 plan filed by Debtor Highland Capital Management, L.P., 1808 Chapter 11 plan filed by Debtor Highland Capital Management, L.P.). Entered on 2/22/2021 (Okafor, M.)
4/6/2021	2169	Amended notice of appeal filed by Interested Party James Dondero (RE: related document(s)2149 Notice of appeal). (Lang, Michael)
4/15/2022	2205	Statement of issues on appeal, filed by Interested Party James Dondero (RE: related document(s)2083 Order on motion to recuse Judge). (Lang, Michael)
4/15/2021	2206	Appellant designation of contents for inclusion in record on appeal filed by Interested Party James Dondero (RE: related document(s)2169 Amended notice of appeal). Appellee designation due by 04/29/2021. (Lang, Michael)
2/9/2022	3264	DISTRICT COURT MEMORANDUM OPINION AND ORDER - The Recusal Order is not a final, appealable order, is not subject to the collateral order doctrine, and is not an appealable interlocutory order under § 1292 (a) and the Court is without jurisdiction over this appeal of the Bankruptcy Court's Recusal Order. The Court further denies Appellants leave to appeal the Recusal Order under § 1292 (b), denies Appellants' request to withdraw the reference of their motion to recuse, and denies Appellants' request to construe their appeal as a petition for writ of mandamus. Accordingly, the Court dismisses this appeal for lack of jurisdiction. (Ordered by Judge Ed Kinkeade on 2/9/2022). Civil Action number:3:21-cv-00879-K, DISMISSED for lack of jurisdiction (RE:related document(s)2083 Order on motion to recuse Judge). Entered on 2/9/2022 (Whitaker, Sheniqua) Modified on 2/25/2022 (Whitaker, Sheniqua). (Entered: 02/25/2022)
8/1/2022	3422	Notice of hearing on Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero (RE: related document(s)3406 Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support Filed by Interested Party James Dondero (Attachments: # 1 Appendix Appendix) (Lang, Michael) Modified text on 7/21/2022(Ecker, C.).). Hearing to be held on 8/31/2022 at 09:30 AM at <a href="https://us-courts.webex.com/meet/jerniga">https://us-courts.webex.com/meet/jerniga</a> for 3406, (Lang, Michael)

8/15/2022	3444	Response opposed to (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) filed by Debtor Highland Capital Management, L.P.. (Attachments: #1 Exhibit A (Annable, Zachery)
8/15/2022	3445  <b>[to be submitted to Clerk on flash drive]</b>	Exhibit List (Appendix in Support of Highland Capital Management, L.P.'s Objection to Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 USC 455 and Brief in Support) filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3444 Response). (Attachments: #1 Exhibit 1 , #2 Exhibit 2 , #3 Exhibit 3 , #4 Exhibit 4 , #5 Exhibit 5 , #6 Exhibit 6 , #7 Exhibit 7 , #8 Exhibit 8 , #9 Exhibit 9 , #10 Exhibit 10 , #11 Exhibit 11 , #12 Exhibit 12 , #13 Exhibit 13 , #14 Exhibit 14 , #15 Exhibit 15 , #16 Exhibit 16 , #17 Exhibit 17 , #18 Exhibit 18 , #19 Exhibit 19 , #20 Exhibit 20 , #21 Exhibit 21 , #22 Exhibit 22 , #23 Exhibit 23 , #24 Exhibit 24 , #25 Exhibit 25 , #26 Exhibit 26 , #27 Exhibit 27 , #28 Exhibit 28 , #29 Exhibit 29 , #30 Exhibit 30 , #31 Exhibit 31 , #32 Exhibit 32 , #33 Exhibit 33 , #34 Exhibit 34 , #35 Exhibit 35 , #36 Exhibit 36 , #37 Exhibit 37 , #38 Exhibit 38 , #39 Exhibit 39 , #40 Exhibit 40 , #41 Exhibit 41 , #42 Exhibit 42 , #43 Exhibit 43 , #44 Exhibit 44 , #45 Exhibit 45 , #46 Exhibit 46 , #47 Exhibit 47 , #48 Exhibit 48 , #49 Exhibit 49 , #50 Exhibit 50 , #51 Exhibit 51 , #52 Exhibit 52 , #53 Exhibit 53 , #54

		Exhibit 54 , #55 Exhibit 55 , #56 Exhibit 56 , #57 Exhibit 57 , #58 Exhibit 58 , #59 Exhibit 59 , #60 Exhibit 60 , #61 Exhibit 61 , #62 Exhibit 62 , #63 Exhibit 63 , #64 Exhibit 64 , #65 Exhibit 65 , #66 Exhibit 66 , #67 Exhibit 67 , #68 Exhibit 68 , #69 Exhibit 69 , #70 Exhibit 70 , #71 Exhibit 71 , #72 Exhibit 72 , #73 Exhibit 73 , #74 Exhibit 74 , #75 Exhibit 75 , #76 Exhibit 76 , #77 Exhibit 77 , #78 Exhibit 78 , #79 Exhibit 79 , #80 Exhibit 80 , #81 Exhibit 81 , #82 Exhibit 82 , #83 Index 83 , #84 Exhibit 84 , #85 Exhibit 85 , #86 Exhibit 86 (Annable, Zachery)
8/15/2022	3446	Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) Filed by Debtor Highland Capital Management, L.P. (Annable, Zachery)
8/15/2022	3447	Declaration re: (Declaration of John A. Morris in Support of Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3446 Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capi). (Annable, Zachery)
8/17/2022	3456	Notice of hearing filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3446 Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) Filed by Debtor Highland Capital Management, L.P., 3449 Motion to compel Lawyers' Depositions. Filed by Debtor Highland Capital Management, L.P. (Ecker, C.)). Hearing to be held on 8/31/2022 at 09:30AM at

		<a href="https://us-courts.webex.com/meet/jerniga">https://us-courts.webex.com/meet/jerniga</a> for 3446 and for 3449, (Annable, Zachery)
8/22/2022	3463	Reply to (related document(s): 3444 Response filed by Debtor Highland Capital Management, L.P.) filed by Interested Party James Dondero. (Lang, Michael)
8/24/2022	3466	Amended Notice of hearing filed by Interested Party James Dondero (RE: related document(s)3406 Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support Filed by Interested Party James Dondero (Attachments: # 1 Appendix Appendix) (Lang, Michael) Modified text on 7/21/2022(Ecker, C.), 3446 Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Don- dero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) Filed by Debtor Highland Capital Management, L.P., 3449 Motion to compel Lawyers' Depositions. Filed by Debtor Highland Capital Management, L.P. (Ecker, C.), 3462 Order converting the August 31, 2022 at 9:30 AM Hearing on (A) The motion for final appeal- able order and supplement to motion to recuse and (B) related mo- tions to strike and compel to a preliminary status/scheduling con- ference (RE: related document(s)3406 Motion for leave filed by Interested Party James Dondero, 3446 Motion to strike document filed by Debtor Highland Capital Management, L.P., 3449 Motion to compel filed by Debtor Highland Capital Management, L.P.). Entered on 8/19/2022 (Ecker, C.)). Status Conference to be held on 8/31/2022 at 09:30 AM at <a href="https://us-courts.webex.com/meet/jerniga">https://us-courts.webex.com/meet/jerniga</a> . (Lang, Michael)

9/1/2022	3480	Transcript regarding Hearing Held 08/31/2022 (27 pages) RE: Status Conference Re: Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 (#3406). THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING. TRANSCRIPT RELEASE DATE IS 11/30/2022. 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) 3478 Hearing held on 8/31/2022. (RE: related document(s)3406 Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support, filed by Interested Party James Dondero.) (Appearances: M. Lang for Movants; J. Pomeranz for Reorganized Debtor. Nonevidentiary status conference. Based on discussions with counsel at status conference as to what actual relief is being sought, the motion (even as currently amended) will be denied as procedurally defective. This is without prejudice to movants filing a new motion pursuant to Rule 54 seeking the simple relief of having the last sentence of this courts 3/23/21 order deleted, or a new motion to recuse, if Movants have any desire to supplement the record. Court to issue order.)). Transcript to be made available to the public on 11/30/2022. (Rehling, Kathy)
9/27/2022	3541	Motion to recuse Judge Stacey G. C. Jernigan Filed by Interested Party James Dondero (Lang, Michael)
9/72/2022	3542	Brief in support filed by Interested Party James Dondero (RE: related document(s)3541 Motion to recuse Judge Stacey G. C. Jernigan). (Attachments: #1 Appendix (Lang, Michael)
10/14/2022	3567	Agreed Scheduling Order on renewed motion to recuse (related document #3541) Entered on 10/14/2022. (Okafor, Marcey)
10/31/2022	3595	Response opposed to (related document(s): 3541 Motion to recuse Judge Stacey G. C. Jernigan filed by Interested Party James Dondero, 3570 Motion to recuse Judge Stacey G. C. Jernigan - AMENDED filed by Interested Party James Dondero) filed by Debtor Highland Capital Management, L.P.. (Annable, Zachery)

10/31/2022	3596  <b>[to be submitted to Clerk on flash drive]</b>	Support/supplemental document (Appendix in Support of Highland's Objection to Renewed Motion to Recuse Pursuant to 28 U.S.C. 455 and Brief in Support) filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3595 Response). (Attachments: #1 Exhibit 1 , #2 Exhibit 2 , #3 Exhibit 3 , #4 Exhibit 4 , #5 Exhibit 5 , #6 Exhibit 6 , #7 Exhibit 7 , #8 Exhibit 8 , #9 Exhibit 9 , #10 Exhibit 10 , #11 Exhibit 11 , #12 Exhibit 12 , #13 Exhibit 13 , #14 Exhibit 14 , #15 Exhibit 15 , #16 Exhibit 16 , #17 Exhibit 17 , #18 Exhibit 18 , #19 Exhibit 19 , #20 Exhibit 20 , #21 Exhibit 21 , #22 Exhibit 22 , #23 Exhibit 23 , #24 Exhibit 24 , #25 Exhibit 25 , #26 Exhibit 26 , #27 Exhibit 27 , #28 Exhibit 28 , #29 Exhibit 29 , #30 Exhibit 30 , #31 Exhibit 31 , #32 Exhibit 32 , #33 Exhibit 33 , #34 Exhibit 34 , #35 Exhibit 35 , #36 Exhibit 36 (Annable, Zachery)
3/3/2023	3673	Brief in support filed by Interested Party James Dondero (RE: related document(s)3570 Motion to recuse Judge Stacey G. C. Jernigan - AMENDED). (Lang, Michael)
5/19/2025	4216	Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith) Filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (Attachments: #1 Exhibit A--Proposed Order (Annable, Zachery)
5/19/2025	4217	Declaration re: (Declaration of Gregory V. Demo in Support of Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith) filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s)4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith)). (Attachments: #1 Exhibit 1 (Annable, Zachery)
5/19/2025	4217-1	Proposed Settlement Agreement



6/20/2025	4251	Exhibit List for the June 25, 2025 Hearing filed by Partner Duga-boy Investment Trust (RE: related document(s)4230 Objection). (Lang, Michael)
6/20/2025	4252	Witness List for the June 25, 2025 Hearing filed by Partner Duga-boy Investment Trust (RE: related document(s)4230 Objection). (Lang, Michael)
6/20/2025	4255  <i>(to be sub- mitted to Clerk on flash drive)</i>	Witness and Exhibit List filed by Debtor Highland Capital Man-agement, L.P., Other Professional Highland Claimant Trust, In-terested Party Highland Litigation Sub-Trust (RE: related docu-ment(s) 4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith))(Attachments: #1 Exhibit 1 , #2 Exhibit 2 , #3 Exhibit 3 , #4 Exhibit 4 , #5 Exhibit 5 , #6 Exhibit 6 , #7 Exhibit 7 , #8 Exhibit 8 , #9 Exhibit 9 , #10 Exhibit 10 , #11 Exhibit 11 , #12 Exhibit 12 , #13 Exhibit 13 , #14 Exhibit 14 , #15 Exhibit 15 , #16 Exhibit 16 , #17 Exhibit 17 , #18 Exhibit 18 , #19 Exhibit 19 , #20 Exhibit 20 , #21 Exhibit 21 , #22 Exhibit 22 , #23 Exhibit 23 , #24 Exhibit 24 , #25 Exhibit 25 , #26 Exhibit 26 , #27 Exhibit 27 , #28 Exhibit 28 , #29 Exhibit 29 , #30 Exhibit 30 , #31 Exhibit 31 , #32 Exhibit 32 , #33 Exhibit 33 , #34 Exhibit 34 , #35 Exhibit 35 , #36 Exhibit 36 , #37 Exhibit 37 , #38 Exhibit 38 , #39 Exhibit 39 , #40 Exhibit 40 , #41 Exhibit 41 , #42 Exhibit 42 , #43 Exhibit 43 , #44 Exhibit 44 , #45 Exhibit 45 , #46 Exhibit 46 , #47 Exhibit 47 , #48 Exhibit 48 , #49 Exhibit 49 , #50 Exhibit 50 , #51 Exhibit 51 , #52 Exhibit 52 , #53 Exhibit 53 , #54 Exhibit 54 , #55 Exhibit 55 , #56 Exhibit 56 , #57 Exhibit 57 , #58 Exhibit 58 , #59 Exhibit 59 , #60 Exhibit 60 , #61 Exhibit 61 , #62 Exhibit 62 , #63 Exhibit 63 , #64 Exhibit 64 , #65 Exhibit 65 , #66 Exhibit 66 , #67 Exhibit 67 , #68 Exhibit 68 , #69 Exhibit 69 , #70 Exhibit 70 , #71 Exhibit 71 , #72 Exhibit 72 , #73 Exhibit 73 , #74 Exhibit 74 , #75 Exhibit 75 , #76 Exhibit 76 , #77 Exhibit 77 , #78 Exhibit 78 , #79 Exhibit 79 , #80 Exhibit 80 , #81 Exhibit 81 , #82 Exhibit 82 , #83 Exhibit 83 , #84 Exhibit 84 , #85 Exhibit 85 , #86 Exhibit 86 , #87 Exhibit 87 , #88 Exhibit 88 , #89 Exhibit 89 , #90 Exhibit 90 , #91 Exhibit 91 , #92 Exhibit 92 , #93 Exhibit 93 , #94 Exhibit 94 , #95 Exhibit 95 , #96 Exhibit 96 , #97 Exhibit 97 , #98 Exhibit 98 , #99 Exhibit 99 , #100 Exhibit 100 , #101 Exhibit 101 , #102 Exhibit 102 , #103 Exhibit 103 , #104 Exhibit 104 , #105 Exhibit 105 , #106 Exhibit 106 , #107 Exhibit 107 , #108 Exhibit 108 , #109 Exhibit 109 , #110 Exhibit 110 , #111 Exhibit 111 , #112 Exhibit 112 , #113 Exhibit 113 , #114 Exhibit 114 , #115 Exhibit 115 , #116 Exhibit 116 , #117 Exhibit 117 , #118 Exhibit 118 , #119 Exhibit 119 , #120 Exhibit 120 , #121 Exhibit 121 , #122 Exhibit 122 ,

		#123 Exhibit 123 (Annable, Zachery).
6/20/2025	4256	Witness and Exhibit List filed by Creditor Hunter Mountain Investment Trust (RE: related document(s)4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith)). (Phillips, Louis)
6/20/2025	4257	Witness and Exhibit List filed by Interested Parties Crown Global Life Insurance, Ltd, The Dallas Foundation (RE: related document(s)4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith)). (Attachments: #1 Exhibit 1 - Charitable DAF/CLO HoldCo Organization Chart, #2 Exhibit 2 - Rand Structure Chart, #3 Exhibit 3 - July 9, 2021 Memo on DAFs and Sponsoring Orgs, #4 Exhibit 4 - Charitable Respondents Response and Disclosures (Okin, Matthew)
6/23/2025	4271	Amended Witness and Exhibit List filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s)4253 List (witness/exhibit/generic)). (Attachments: #1 Exhibit 66, #2 Exhibit 67 (Annable, Zachery)
6/23/2025	4272	Amended Witness and Exhibit List filed by Interested Parties Crown Global Life Insurance, Ltd, The Dallas Foundation (RE: related document(s)4257 List (witness/exhibit/generic)). (Attachments: #1 Exhibit 5, #2 Exhibit 66, #3 Exhibit 7 7,4 Exhibit 8 ,8, Exhibit 9 (Curry, David)
6/23/2025	4273	Objection to (related document(s)): 4255 List (witness/exhibit/generic) filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust) filed by Partner Dugaboy Investment Trust. (Ohlinger, Ali)
6/23/2025	4277	Amended Witness and Exhibit List filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s)4255 List (witness/exhibit/generic)). (Attachments: #1 Exhibit 124 , #2 Exhibit 125 (Annable, Zachery)

6/24/2025	4279	Witness and Exhibit List with Respect to Hearing to be Held on June 25, 2025 filed by Partner Dugaboy Investment Trust (RE: related document(s)4213 Motion to extend time to (Motion for an Order Further Extending Duration of Trusts) (RE: related document(s)4144 Order on motion to extend/shorten time)). (Attachments: #1 Exhibit 1 (Deutsch-Perez, Deborah)
6/24/2025	4280	Amended Witness and Exhibit List (Highland Capital Management, L.P., Highland Claimant Trust, and Litigation Sub-Trust Second Amended Witness and Exhibit List with Respect to Hearing to Be Held on June 25, 2025) filed by Debtor Highland CapitalManagement, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s) 4255 List (witness/exhibit/generic), 4277 List (witness/exhibit/generic)). (Attachments: #1 Exhibit 126 (Annable,Zachery)
6/25/2025	4293	Court admitted exhibits date of hearing June 25, 2025 (RE: related document(s) 4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith) Filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (Court Admitted Debtors Exhibits #1 through #9; #11 through #56 & #58 through #123 & #126 offered by attorney John Morris; Court Also Admitted Patrick Daugherty Exhibits #1 through #42 offered by attorney Drew K. York: Court also admitted Dugaboy Investment Trust Exhibit #3, which was a letter offered by attorney Michael J. Lang.) (Edmond, Michael) Modified on 6/30/2025 (emi).Modified on 6/30/2025 (emi). (Entered: 06/27/2025)
6/27/2025	4290	Stipulation by Highland Claimant Trust, Highland Litigation Sub-Trust and The Dugaboy Investment Trust. filed by Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s)4223 Objection). (Annable, Zachery)

6/27/2025	4291	Stipulation withdrawing objection of The Dallas Foundation and Crown Global Life Insurance, LTD to Motion for Entry of an order pursuant to Bankruptcy Rule 9019 and 11 U.S.C. Section 363 approving settlement with the HMIT Entities and authorizing actions consistent therewith (RE: related document(s) 4232 Response filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust, 4282 Stipulation filed by Creditor Hunter Mountain Investment Trust). Entered on 6/27/2025 (Okafor, M.)
6/30/2025	4296	<p>Transcript regarding Hearing Held 06/25/2025 before Judge Stacy G.C. Jernigan (266 pages) RE: Motion for an Order Further Extending Duration of Trusts (4213); Motion for Entry of an Order Approving Settlement with HMIT Entities (4216). THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 90 DAYS AFTER THE DATE OFFILING. TRANSCRIPT RELEASE DATE IS 09/29/2025.</p> <p>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) 4294 Hearing held on 6/25/2025. (RE: related document(s) 4213 Motion to extend time to (Motion for an Order Further Extending Duration of Trusts) (RE: related document(s) 4144 Order on motion to extend/shorten time) Filed by Interested Party Highland Litigation Sub-Trust, Other Professional Highland Claimant Trust (Appearances: J. Morris and Pachulski team for Reorganized Debtor; R. Loigman for Post-Confirmation Trusts; D. Deitsch-Perez for Dugaboy; L. Young for UST. Evidentiary hearing. Motion granted. Counsel to upload order.), 4295 Hearing held on 6/25/2025. (RE: related document(s) 4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith) filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (Appearances: J. Morris and Pachulski team for Reorganized Debtor; R. Loigman for Post-Confirmation Trusts; L. Phillips for HMIT Entities; M. Lang for Dugaboy; D. Curry for Dallas Foundation; L. Young for</p>

		UST. Evidentiary hearing. Motion granted. Counsel to upload order.)). Transcript to be made available to the public on 09/29/2025. (Rehling, Kathy)
7/1/2025	4299	Motion to withdraw document Consent Motion to Dismiss HMIT Remand Proceedings with Prejudice (related document(s) 3699 Motion for leave) Filed by Creditor Hunter Mountain Investment Trust, Interested Party Hunter Mountain Trust (Attachments: #1 Proposed Order (Salzer, Ian)
7/1/2025	4300	Motion to withdraw document Consent Motion to Dismiss Delaware Action Proceedings with Prejudice (related document(s) 4000 Motion for leave) Filed by Creditor Hunter Mountain Investment Trust, Interested Party Hunter Mountain Trust (Attachments: #1 Proposed Order (Salzer, Ian)
7/7/2025	4304	Order withdrawing Emergency Motion for Leave to File Adversary Proceeding [Dkt. 3699] with prejudice (RE: related document(s)4299 Motion to withdraw document filed by Interested Party Hunter Mountain Trust, Creditor Hunter Mountain Investment Trust). IT IS THEREFORE ORDERED that the proceedings defined in the Dismissal Motion as: Hunter Mountain Investment Trust v. Highland Cap. Mgmt., L.P., Case No. 3:23-cv-02071-E (N.D. Tex.), on remand to the Bankruptcy Court (including Hunter Mountain Investment Trusts Emergency Motion for Leave to File Adversary Proceeding filed at Bankruptcy Court Docket No. 3699 and all proceedings, decisions, and orders relating thereto), are dismissed with prejudice. Entered on 7/7/2025 (Okafor, M.)
7/10/2025	4308	Notice Letter from the Office of the Texas Attorney General Requesting a Stay filed by Interested Party State of Texas. (Stone, Johnathan)
7/16/2025	4323	Notice regarding the record for a bankruptcy appeal to the U.S. District Court. (RE: related document(s)4311 Notice of appeal of Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C § 363 Approving Settlement Between the Highland Entities and the HMIT Entities and Authorizing Actions Consistent Therewith. filed by Creditor The Dugaboy Investment Trust (RE: related document(s)4297 Order on motion to compromise controversy). Appellant Designation due by 07/28/2025.) (Whitaker, Sheniqua)

7/17/2025	4329	Notice of docketing notice of appeal. Civil Action Number: 3:25-cv-01876-K. (RE: related document(s)4311 Notice of appeal of Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C § 363 Approving Settlement Between the Highland Entities and the HMIT Entities and Authorizing Actions Consistent Therewith. filed byCreditor The Dugaboy Investment Trust (RE: related document(s)4297 Order on motion to compromise controversy). Appellant Designation due by 07/28/2025.) (Whitaker, Sheniqua)
7/21/2025	4333	Memorandum of opinion (RE: related document(s)4308 Notice (generic) filed by Interested Party State of Texas, 4326 The Dugaboy Investment Trust's Motion to Stay 9019 Order filed by Creditor The Dugaboy Investment Trust). Entered on 7/21/2025 (Okafor, M.)
8/4/2025	4353	Notice of appeal. Fee Amount \$298 filed by Partner Dugaboy Investment Trust (RE: related document(s) 4333 Memorandum of opinion). Appellant Designation due by 08/18/2025. (Attachments: #1 Exhibit A) (Harper, Geoffrey)
8/5/2025	4359	Notice of docketing notice of appeal. Civil Action Number: 3:25-cv-02072-S. (RE: related document(s)4353 Notice of appeal filed by Partner Dugaboy Investment Trust (RE: related document(s) 4333 Memorandum of opinion). (Almaraz, Jeanette)
9/22/2025	4401	Order Granting Motion for Order Fixing Allowed Amount of Class 11 Interests (related document # 4362) Entered on 9/22/2025. (Grandstaff, Travis)

## **EXHIBIT B**

PACHULSKI STANG ZIEHL & JONES LLP  
Jeffrey N. Pomerantz (admitted *pro hac vice*)  
John A. Morris (admitted *pro hac vice*)  
Gregory V. Demo (admitted *pro hac vice*)  
Hayley R. Winograd (admitted *pro hac vice*)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Tel: (310) 277-6910

HAYWARD PLLC  
Melissa S. Hayward  
Texas Bar No. 24044908  
MHayward@HaywardFirm.com  
Zachery Z. Annable  
Texas Bar No. 24053075  
ZAnnable@HaywardFirm.com  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100

*Counsel for the Highland Claimant Trust*

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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.

)  
) Chapter 11  
)  
) Case No. 19-34054-sgj11  
)  
)  
)

**APPELLEE’S MOTION TO STRIKE ITEMS IMPROPERLY DESIGNATED AS  
PART OF THE RECORD ON APPEAL OF CLASS 11 ORDER [DOCKET NO. 4401]**

The Highland Claimant Trust (the “Claimant Trust” or “Appellee”), the appellee in the appeal of this Court’s *Order Fixing Allowed Amount of Class 11 Interests* [Docket No. 4401] (the “Order”) being prosecuted by The Dugaboy Investment Trust (“Dugaboy” or “Appellant”), files this motion (the “Motion”) pursuant to Rule 8009(e) of the Federal Rules of Bankruptcy Procedure

<sup>1</sup> 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, TX 75201.



(the “Bankruptcy Rules”) for entry of an order, substantially in the form attached as **Exhibit A** (the “Proposed Order”), striking certain items that Dugaboy improperly designated as part of the record on its appeal of the Order. In support of its Motion, Appellee respectfully states as follows:

### **PRELIMINARY STATEMENT**<sup>2</sup>

1. Dugaboy designated over 40 items to be included in the record of its Appeal of the Court’s Order granting the Class 11 Motion. Most of these Designations, however, are documents that were never offered or admitted into evidence or (apparently) considered by the Court when rendering its Order. For instance, the Improper Items include documents relating to the HMIT Proceedings and the Trust Extension Proceedings and that also appear intended to support Dugaboy’s disingenuous attempt to have the District Court treat the Recusal Order as a “final” Order rather than the interlocutory Order it has already been determined to be.

2. None of these issues was raised by Dugaboy in connection with its Opposition to the Class 11 Motion or considered by the Court when entering its Order subject to this Appeal. For the reasons set forth herein, the Improper Items should be stricken from the record on Appeal.

### **RELEVANT BACKGROUND**

3. On August 8, 2025, the Claimant Trust filed its *Motion for Order Fixing Allowed Amount of Class 11 Interests* (the “Class 11 Motion”) [Docket No. 4362], requesting the entry of an order pursuant to 11 U.S.C. § 502(b), fixing the allowed amount of the unvested Class 11 Contingent Claimant Trust Interests.<sup>3</sup>

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<sup>2</sup> Capitalized terms not defined in this Preliminary Statement have the meanings ascribed to them below or in the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (“Highland”), as the case may be.

<sup>3</sup> Under the Highland Claimant Trust Agreement, Class 11 includes those people and entities that collectively held the Class A Limited Partnership Interests, which comprised 0.5% of the aggregate limited partnership interests of Highland (the “LP Interests”) outstanding as of the Petition Date. Such Class A Limited Partnership Interests were subordinated at all relevant times to the Class B/C Limited Partnership Interest held by Hunter Mountain Investment Trust (“HMIT”), which comprised the remaining 99.5% of the aggregate LP Interests outstanding as of the Petition Date. Other than Dugaboy, the holders of Class 11 Contingent Claimant Trust Interests are Strand Advisors, Inc.,

4. On September 8, 2025, Dugaboy filed its *Response Opposing Highland Claimant Trust's Motion for Order Fixing Allowed Amount of Class 11 Interests* [Docket No. 4384] (the "Opposition"). In its Opposition, Dugaboy wrongly asserted that—as a pre-petition holder of Class A Limited Partnership Interests comprising 0.1866% of Highland's LP Interests—it was entitled to receive a pro rata share of distributions with HMIT. Dugaboy's assertion was plainly wrong because it ignored (a) that its Class A Limited Partnership Interest was subordinated to HMIT's Class B/C Limited Partnership Interest, and (b) the never-challenged provisions of the Plan and Claimant Trust Agreement that created separate classes of pre-petition former limited partners for this very reason, with Dugaboy subordinated to HMIT just as it had always been.

5. On September 15, 2025, Highland filed its *Reply in Support of Motion for Order Fixing Allowed Amount of Class 11 Interests* [Docket No. 4393] and its *Witness and Exhibit List With Respect to Hearing to be Held on September 18, 2025* [Docket No. 4392], as amended by Docket No. 4394 (the "Reply"). In the Reply, Highland rebutted Dugaboy's faulty arguments and pointed out that Dugaboy sought to re-argue issues that had been decided years before.

6. Dugaboy filed a *Witness and Exhibit List With Respect to Hearing to be Held on September 18, 2025* [Docket No. 4395] ("Dugaboy's W&E List"). Dugaboy's W&E List did not identify a single document Dugaboy intended to offer into evidence. The Claimant Trust's witness and exhibit list (as amended) contained 10 items. *See* Docket No. 4394.

7. On September 18, 2025, the Bankruptcy Court held a hearing on Class 11 Motion (the "Hearing") during which Dugaboy did not offer any documents into evidence and the Claimant Trust's exhibits were admitted without objection.

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Mark Okada, The Mark and Pamela Okada Family Trust—Exempt Trust #1 and The Mark and Pamela Okada Family Trust—Exempt Trust #2, none of whom objected to the Class 11 Motion.

8. On September 22, 2025, the Bankruptcy Court entered its Order granting the Class 11 Motion. [Docket No. 4401] (“Class 11 Order”)

9. On October 6, 2025, Dugaboy filed its *Notice of Appeal of Order Fixing Allowed Amount of Class 11 Interests* [Docket No. 4423] (the “Appeal”). The Appeal was assigned to Judge Lindsay of the United States District Court, Case No. 3:25-cv-02724-L.

10. On October 20, 2025, Dugaboy filed its *Statement of Issues to Be Presented and Designation of Items to Be Included in the Record on Appeal from the Bankruptcy Court’s Order Fixing Allowed Amount of Class 11 Interests* [Docket No. 4435] (the “Initial Designations”). On October 23, 2025, in response to a communication from the Clerk of the Court, [see Docket No. 4442], Dugaboy filed a modified version of the Initial Statement of Issues, [Docket No. 4443] (the “Designations”).

11. Notwithstanding the modest record and the limited scope of the Class 11 Motion and the Order, in the Designations, Dugaboy designated over 40 items to be included in the record on its Appeal, many of which are documents or statements of issues that were not a part of the record in connection with the Class 11 Motion and the Order. [See Docket No. 4398].

12. For instance, the Designations include documents in connection with (a) the *Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. § 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith* [Docket No. 4216] (the “HMIT Proceedings”);<sup>4</sup> and (b) the *Motion for an Order Further Extending Duration of Trusts* [Docket No. 4213] (the “Trust Extension Proceedings”).

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<sup>4</sup> “HMIT Proceedings” generally refers to the evidentiary hearing held before the Bankruptcy Court on June 25, 2025, concerning *Highland’s Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. § 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith* [Docket No. 4216], the Bankruptcy Court’s order resolving that motion, and related matters. [Docket No. 4297]. The Bankruptcy Court’s

13. Attached as **Exhibit 1** to the Proposed Order is a list of the improper Designations and Statement of Issues (collectively, the “Improper Items”).

### **ARGUMENT**

14. Bankruptcy Rule 8009(e)(1) provides: “If any difference arises about whether the record accurately discloses what occurred in the bankruptcy court, the difference must be submitted to and settled by the bankruptcy court and the record conformed accordingly. If an item has been improperly designated as part of the record on appeal, a party may move to strike that item.” Bankruptcy Rule 8009(e)(1) vests this Court with sole authority to consider such a motion.<sup>5</sup>

15. In doing so, this Court should be guided by Fifth Circuit precedent, including the leading case of *Wooley v. Haynes & Boone, L.L.P. (In re SI Restructuring Inc.)*, in which the Fifth Circuit affirmed the district court’s affirmance of the bankruptcy court’s granting of a motion to strike “documents [designated] as part of the [appellate] record even though the documents were never properly admitted to this proceeding.”<sup>6</sup> Citing Bankruptcy Rule 8006 (the predecessor rule to Bankruptcy Rule 8009) and the Fifth Circuit’s earlier case of *Zer-Ilan v. Frankford (In re CPDC Inc.)*,<sup>7</sup> the Fifth Circuit held that because “the disputed evidence was not admitted as evidence

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order entered in connection with the HMIT Proceedings is the subject of another appeal (that Appellees have moved to dismiss). *See generally Dugaboy v. Highland Cap. Mgmt., L.P.*, Case No. 3:25-cv-01876-K (N.D. Tex.).

<sup>5</sup> *See Lockwood v. GlassRatner Advisory & Cap. Grp. LLC (In re Lockwood Holdings Inc.)*, No. 4:21-cv-00456, 2024 U.S. Dist. LEXIS 30186, at \*6 (S.D. Tex. Feb. 22, 2024) (Rule 8009 “provides that the bankruptcy court resolves disputes over designation of items to the record on appeal—not the district court to which an appeal is assigned”); *In re Digerati Techs., Inc.*, 531 B.R. 654, 660 (Bankr. S.D. Tex. 2015) (same).

<sup>6</sup> 480 F. App’x 327, 328 (5th Cir. 2012).

<sup>7</sup> 337 F.3d 436, 443 (5th Cir. 2003) (“Rule 8006 provides that the record on appeal from a bankruptcy court decision consists of designated materials that became part of the bankruptcy court’s record in the first instance. The rule does not permit items to be added to the record on appeal to the district court if they were not part of the record before the bankruptcy court.”).

before the bankruptcy court when it ruled on the ... motion,” those items were properly stricken from the appellate record.<sup>8</sup>

16. Even though Bankruptcy Rule 8009(e) uses slightly different language than its predecessor rule,<sup>9</sup> courts have maintained the vitality of the Fifth Circuit precedent of *SI Restructuring* and *CPDC* in considering motions to strike under the newer rule. For example, in *Carmichael*, the court observed that appellants “cannot use their designation to create a version of the appellate record that does not reflect [their] presentation of evidence in the Bankruptcy Court ... The Court’s primary concern is supplying the District Court with a record that ‘accurately discloses what occurred in the bankruptcy court.’ Fed. R. Bankr. P. 8009(e).”<sup>10</sup>

17. Based on the foregoing, the Court should strike the Improper Items from the record because they were not offered or admitted into evidence at the Hearing and the Court never considered them when rendering the Order.<sup>11</sup> Moreover, Dugaboy will never be able to credibly explain why it failed to offer the Improper Items into evidence in support of its Opposition to the Class 11 Motion.

18. Conversely, Appellee would be severely prejudiced by the inclusion of the Improper Items because Dugaboy would use the Improper Items to challenge the Order even though this Court never considered those items—in other words, including those Improper Items

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<sup>8</sup> 480 F. App’x at 328.

<sup>9</sup> In *Digerati Technologies*, 531 B.R. at 660, the court noted that, because Rule 8009(e) was “fairly new” and had “no case law at this point interpreting this new rule,” it would “look to case law interpreting the predecessor to Rule 8009”—that is, former Bankruptcy Rule 8006 (which formed the basis for the ruling in *SI Restructuring*).

<sup>10</sup> See *Carmichael v. Blake (In re Imperial Petroleum Recovery Corp.)*, No. 13-30466, 2022 Bankr. LEXIS 32, at \*6–13 (Bankr. S.D. Tex. Jan. 7, 2022) (relying on *SI Restructuring* to strike designated items because the “items were not admitted into evidence at trial or explicitly accepted as proffers” and rejecting that “each item’s filing is sufficient to warrant its inclusion in the appellate designation”); see also *Digerati Techs.*, 531 B.R. at 663 (holding that items not before the court and not considered by it in rendering its decision should not be included in the record).

<sup>11</sup> Appellee does not object to the inclusion of Highland Exhibits 113-118 from its witness and exhibit list filed at Docket No. 4255 because they relate to the calculation of HMIT’s Class 10 interest, a calculation referred to during the hearing on the Class 11 Motion.

would fail to “supply[ ] the District Court with a record that ‘accurately discloses what occurred in the bankruptcy court,’” giving Dugaboy an unwarranted advantage and distorting the appellate proceedings.

19. Dugaboy appears to be attempting to include in the record documents and information that have nothing to do with the actual appeal, all in an effort to support irrelevant arguments or issues that were never preserved for appeal, including whether the Class 11 Order “constitute[s] a ‘final’ judgment or order, thereby giving the District Court jurisdiction for appellate review of the Bankruptcy Court’s Order denying Dugaboy’s Motion to Recuse?” *See* Docket No. 4443 at 1-2 (Statement of Issues to be Presented on Appeal, Issue No. 7).

20. The Court should take a scalpel to the Designations and extract the Improper Items on the grounds that they were never offered or admitted into evidence or considered by the Court.

### **PRAYER**

WHEREFORE, Appellee respectfully requests that the Court (i) enter the Proposed Order granting the Motion and (ii) grant Appellee such further and additional relief as the Court deems necessary and appropriate.

DATED: October 29, 2025

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (admitted *pro hac vice*)

John A. Morris (admitted *pro hac vice*)

Gregory V. Demo (admitted *pro hac vice*)

Hayley R. Winograd (admitted *pro hac vice*)

10100 Santa Monica Boulevard, 13th Floor

Los Angeles, CA 90067

Tel: (310) 277-6910

Fax: (310) 201-0760

Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)

[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)

[gdemo@pszjlaw.com](mailto:gdemo@pszjlaw.com)

[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)

-and-

**HAYWARD PLLC**

/s/ Melissa S. Hayward

Melissa S. Hayward

Texas Bar No. 24044908

[MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com)

Zachery Z. Annable

Texas Bar No. 24053075

[ZAnnable@HaywardFirm.com](mailto:ZAnnable@HaywardFirm.com)

10501 N. Central Expy, Ste. 106

Dallas, Texas 75231

Tel: (972) 755-7100

Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P.,  
and the Highland Claimant Trust*

**CERTIFICATE OF CONFERENCE**

Dugaboy opposes the relief requested because it has not completed its review of the items subject to the Motion but offered to confer next week in an effort to narrow any dispute.

/s/ John A. Morris

John A. Morris

**EXHIBIT A**

**Proposed Order**



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

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In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.  
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§  
§  
§  
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§  
§

Chapter 11

Case No. 19-34054-sgj11

**ORDER STRIKING ITEMS  
IMPROPERLY DESIGNATED AS PART OF THE RECORD ON APPEAL**

Upon consideration of *Appellees' Motion to Strike Items Improperly Designated as Part of the Record on Appeal* [Docket No. \_\_\_\_] (the "Motion")<sup>2</sup> filed by the Highland Claimant Trust; and the Court having found that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and Federal Rule of Bankruptcy Procedure 8009(e); (b) this is a core

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<sup>1</sup> The last four digits of the Reorganized Debtor's taxpayer identification number are 8357. The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings ascribed to such terms in the Motion.

proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; (d) notice of the Motion was proper and sufficient under the circumstances and no further or additional notice need be given; and (e) the factual and legal bases set forth in the Motion establish sufficient cause for the relief granted in this Order; after due deliberation, **IT IS ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Improper Items set forth on **Exhibit 1** are stricken from the record on Dugaboy's appeal of the Order granting the Class 11 Motion, and the Clerk of the Court is directed to take all steps necessary to effectuate this provision.
3. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

###End of Order###

**EXHIBIT 1**

**LIST OF IMPROPER ITEMS TO BE STRICKEN  
FROM THE RECORD ON THE APPEAL OF THE CLASS 11 ORDER**

Date Filed	Docket No.	Description/Docket Text
9/22/2025	4401	Order Fixing Allowed Amount of Class 11 Interests
6/20/2025	4255  <b>(to be submitted to Clerk on flash drive)</b>	<p>Witness and Exhibit List filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s) 4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith)).</p> <p>(Attachments: #1 Exhibit 1 , #2 Exhibit 2 , #3 Exhibit 3 , 4 Exhibit 4 , #5 Exhibit 5 , #6 Exhibit 6 , #7 Exhibit 7 , #8 Exhibit 8 , #9 Exhibit 9 , #10 Exhibit 10 , #11 Exhibit 11 , #12 Exhibit 12 , #13 Exhibit 13 , #14 Exhibit 14 , #15 Exhibit 15 , #16 Exhibit 16 , #17 Exhibit 17 , #18 Exhibit 18 , #19 Exhibit 19 , #20 Exhibit 20 , #21 Exhibit 21 , #22 Exhibit 22 , #23 Exhibit 23 , #24 Exhibit 24 , #25 Exhibit 25 , #26 Exhibit 26 , #27 Exhibit 27 , #28 Exhibit 28 , #29 Exhibit 29 , #30 Exhibit 30 , #31 Exhibit 31 , #32 Exhibit 32 , #33 Exhibit 33 , #34 Exhibit 34 , #35 Exhibit 35 , #36 Exhibit 36 , #37 Exhibit 37 , #38 Exhibit 38 , #39 Exhibit 39 , #40 Exhibit 40 , #41 Exhibit 41 , #42 Exhibit 42 , #43 Exhibit 43 , #44 Exhibit 44 , #45 Exhibit 45 , #46 Exhibit 46 , #47 Exhibit 47 , #48 Exhibit 48 , #49 Exhibit 49 , #50 Exhibit 50 , #51 Exhibit 51 , #52 Exhibit 52 , #53 Exhibit 53 , #54 Exhibit 54 , #55 Exhibit 55 , #56 Exhibit 56 , #57 Exhibit 57 , #58 Exhibit 58 , #59 Exhibit 59 , #60 Exhibit 60 , #61 Exhibit 61 , #62 Exhibit 62 , #63 Exhibit 63 , #64 Exhibit 64 , #65 Exhibit 65 , #66 Exhibit 66 , #67 Exhibit 67 , #68 Exhibit 68 , #69 Exhibit 69 , #70 Exhibit 70 , #71 Exhibit 71 , #72 Exhibit 72 , #73 Exhibit 73 , #74 Exhibit 74 , #75 Exhibit 75 , #76 Exhibit 76 , #77 Exhibit 77 , #78 Exhibit 78 , #79 Exhibit 79 , #80 Exhibit 80 , #81 Exhibit 81 , #82 Exhibit 82 , #83 Exhibit 83 , #84 Exhibit 84 , #85 Exhibit 85 , #86 Exhibit 86 , #87 Exhibit 87 , #88 Exhibit 88 , #89 Exhibit 89 , #90 Exhibit 90 , #91 Exhibit 91 , #92 Exhibit 92 , #93 Exhibit 93 , #94 Exhibit 94 , #95 Exhibit 95 , #96 Exhibit 96 , #97 Exhibit 97 , #98 Exhibit 98 , #99 Exhibit 99 , #100 Exhibit 100 , #101 Exhibit 101 , #102 Exhibit 102 , #103 Exhibit 103 , #104 Exhibit 104 , #105 Exhibit 105 , #106 Exhibit 106 , #107 Exhibit 107 , #108 Exhibit 108 , #109 Exhibit 109 , #110 Exhibit 110 , #111 Exhibit 111 , #112 Exhibit 112 , #113 Exhibit 113 , #114 Exhibit 114 , #115 Exhibit 115 , #116 Exhibit 116 , #117 Exhibit 117 , #118 Exhibit 118 , #119 Exhibit 119 , #120</p>

Date Filed	Docket No.	Description/Docket Text
		Exhibit 120 , #121 Exhibit 121 , #122 Exhibit 122 , #123 Exhibit 123 (Annable, Zachery)
6/20/2025	4256	Witness and Exhibit List filed by Creditor Hunter Mountain Investment Trust (RE: related document(s) 4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith)). (Phillips, Louis)
6/20/2025	4257	Witness and Exhibit List filed by Interested Parties Crown Global Life Insurance, Ltd, The Dallas Foundation (RE: related document(s) 4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith)). (Attachments: #1 Exhibit 1 - Charitable DAF/CLO HoldCo Organization Chart, #2 Exhibit 2 - Rand Structure Chart, #3 Exhibit 3 - July 9, 2021 Memo on DAFs and Sponsoring Orgs, #4 Exhibit 4 - Charitable Respondents Response and Disclosures (Okin, Matthew)
6/23/2025	4271	Amended Witness and Exhibit List filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s) 4253 List (witness/exhibit/generic)). (Attachments: #1 Exhibit 66, #2 Exhibit 67 (Annable, Zachery)
6/23/2025	4272	Amended Witness and Exhibit List filed by Interested Parties Crown Global Life Insurance, Ltd, The Dallas Foundation (RE: related document(s) 4257 List (witness/exhibit/generic)). (Attachments: #1 Exhibit 5, #2 Exhibit 66, #3 Exhibit 7 7,4 Exhibit 8, 8, Exhibit 9 (Curry, David)
6/23/2025	4273	Objection to (related document(s)): 4255 List (witness/exhibit/generic) filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust) filed by Partner Dugaboy Investment Trust. (Ohlinger, Ali)
6/23/2025	4275	Omnibus Reply to (related document(s): 4229 Objection filed by Creditor Patrick Daugherty, 4230 Objection

Date Filed	Docket No.	Description/Docket Text
		filed by Partner Dugaboy Investment Trust, 4231 Objection filed by Interested Party The Dallas Foundation, Interested Party Crown Global Life Insurance, Ltd) filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust. (Annable, Zachery)
6/23/2025	4277	Amended Witness and Exhibit List filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s) 4255 List (witness/exhibit/generic)).(Attachments: #1 Exhibit 124, #2 Exhibit 125 (Annable, Zachery)
6/24/2025	4279	Witness and Exhibit List with Respect to Hearing to be Held on June 25, 2025 filed by Partner Dugaboy Investment Trust (RE: related document(s) 4213 Motion to extend time to (Motion for an Order Further Extending Duration of Trusts) (RE: related document(s) 4144 Order on motion to extend/shorten time)). (Attachments: #1 Exhibit 1 (Deutsch-Perez, Deborah)
6/24/2025	4280	Amended Witness and Exhibit List (Highland Capital Management, L.P., Highland Claimant Trust, and Litigation Sub- Trust Second Amended Witness and Exhibit List with Respect to Hearing to Be Held on June 25, 2025) filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s) 4255 List (witness/exhibit/generic),4277 List witness/exhibit/generic)).(Attachments:#1 Exhibit 126 (Annable, Zachery)
6/25/2025	4293	Court admitted exhibits date of hearing June 25, 2025 (RE: related document(s) 4216 Motion to compromise controversy with the HMIT Entities. (Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. 363 Approving Settlement with the HMIT Entities and Authorizing Actions Consistent Therewith) Filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested

Date Filed	Docket No.	Description/Docket Text
		Party Highland Litigation Sub-Trust (Court Admitted Debtors Exhibits #1 through #9; #11 through #56 & #58 through #123 & #126 offered by attorney John Morris; Court Also Admitted Patrick Daugherty Exhibits #1 through #42 offered by attorney Drew K. York: Court also admitted Dugaboy Investment Trust Exhibit #3, which was a letter offered by attorney Michael J. Lang.) (Edmond, Michael) Modified on 6/30/2025 (emi).Modified on 6/30/2025 (emi). (Entered: 06/27/2025)
6/27/2025	4290	Stipulation by Highland Claimant Trust, Highland Litigation Sub- Trust and The Dugaboy Investment Trust. filed by Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s) 4223 Objection). (Annable, Zachery)
6/27/2025	4291	Stipulation withdrawing objection of The Dallas Foundation and Crown Global Life Insurance, LTD to Motion for Entry of an order pursuant to Bankruptcy Rule 9019 and 11 U.S.C. Section 363 approving settlement with the HMIT Entities and authorizing actions consistent therewith (RE: related document(s) 4232 Response filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust, 4282 Stipulation filed by Creditor Hunter Mountain Investment Trust). Entered on 6/27/2025 (Okafor, M.)
6/30/2025	4297	Order approving settlement between the Highland Entities and the HMIT Entities and authorizing actions consistent therewith (related document # 4216) Entered on 6/30/2025. (Okafor, M.)
7/10/2025	4308	Notice Letter from the Office of the Texas Attorney General Requesting a Stay filed by Interested Party State of Texas. (Stone, Johnathan)
7/14/2025	4311	Notice of appeal of Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C § 363 Approving Settlement Between the Highland Entities and the HMIT Entities and Authorizing Actions Consistent Therewith. Fee Amount \$298 filed by Creditor The Dugaboy

Date Filed	Docket No.	Description/Docket Text
		Investment Trust (RE: related document(s) 4297 Order on motion to compromise controversy). Appellant Designation due by 07/28/2025. (Lang, Michael)
7/16/2025	4323	Notice regarding the record for a bankruptcy appeal to the U.S. District Court. (RE: related document(s) 4311 Notice of appeal of Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C § 363 Approving Settlement Between the Highland Entities and the HMIT Entities and Authorizing Actions Consistent Therewith. filed by Creditor The Dugaboy Investment Trust (RE: related document(s) 4297 Order on motion to compromise controversy). Appellant Designation due by 07/28/2025.) (Whitaker, Sheniqua)
7/17/2025	4326	Motion to Stay 9019 Order filed by Creditor The Dugaboy Investment Trust. Objections due by 8/7/2025. (Lang, Michael) Modified text on 7/21/2025 (mdo).
7/17/2025	4329	Notice of docketing notice of appeal. Civil Action Number: 3:25- cv-01876-K. (RE: related document(s) 4311 Notice of appeal of Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C § 363 Approving Settlement Between the Highland Entities and the HMIT Entities and Authorizing Actions Consistent Therewith. filed by Creditor The Dugaboy Investment Trust (RE: related document(s) 4297 Order on motion to compromise controversy). Appellant Designation due by 07/28/2025.) (Whitaker, Sheniqua)
7/21/2025	4333	Memorandum of opinion (RE: related document(s) 4308 Notice (generic) filed by Interested Party State of Texas, 4326 The Dugaboy Investment Trust's Motion to Stay 9019 Order filed by Creditor The Dugaboy Investment Trust). Entered on 7/21/2025 (Okafor, M.)
8/4/2025	4353	Notice of appeal. Fee Amount \$298 filed by Partner Dugaboy Investment Trust (RE: related document(s) 4333 Memorandum of opinion). Appellant Designation due by 08/18/2025. (Attachments: # 1 Exhibit A) (Harper, Geoffrey)
8/12/2025	4368	Amended appellant designation of contents for inclusion in record on appeal and statement of issues on appeal. filed by Partner Dugaboy Investment Trust (RE:



<b>Date Filed</b>	<b>Docket No.</b>	<b>Description/Docket Text</b>
		related document(s) 4365 Appellant designation). (Harper, Geoffrey)
8/29/2025	4378	Order Approving Motion to Conform Plan to Fifth Circuit Mandate (related document # 4302) Entered on 8/29/2025. (Okafor, M.)

## **EXHIBIT C**

PACHULSKI STANG ZIEHL & JONES LLP  
Jeffrey N. Pomerantz (admitted *pro hac vice*)  
John A. Morris (admitted *pro hac vice*)  
Gregory V. Demo (admitted *pro hac vice*)  
Hayley R. Winograd (admitted *pro hac vice*)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Tel: (310) 277-6910

HAYWARD PLLC  
Melissa S. Hayward  
Texas Bar No. 24044908  
MHayward@HaywardFirm.com  
Zachery Z. Annable  
Texas Bar No. 24053075  
ZAnnable@HaywardFirm.com  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100

*Counsel for Highland Capital Management, L.P.  
and the Highland Claimant Trust*

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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.

)  
) Chapter 11  
)  
) Case No. 19-34054-sgj11  
)  
)  
)

**APPELLEES' MOTION TO STRIKE ITEMS IMPROPERLY DESIGNATED AS  
PART OF THE RECORD ON APPEAL OF THE ORDER DENYING A STAY  
[DOCKET NO. 4333]**

Highland Capital Management, L.P. ("Highland"), the reorganized debtor in the above-captioned chapter 11 case (the "Bankruptcy Case"), the Highland Claimant Trust (the "Claimant Trust"), and the Highland Litigation Sub-Trust (collectively, with Highland and the Claimant

<sup>1</sup> 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, TX 75201.

Trust, the “Appellees”), the appellees in the appeal of this Court’s *Memorandum Opinion and Order Regarding Stay Requests [Addressing DE ## 4326 & 4308]* [Docket No. 4333] (the “Stay Order”) being prosecuted by The Dugaboy Investment Trust (“Dugaboy” or “Appellant”), file this motion (the “Motion”) pursuant to Rule 8009(e) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) for entry of an order, substantially in the form attached as **Exhibit A** (the “Proposed Order”), striking certain items that Dugaboy improperly designated as part of the record on its appeal of the Stay Order. In support of their Motion, Appellees respectfully state as follows:

### **PRELIMINARY STATEMENT**<sup>2</sup>

1. Dugaboy improperly designated numerous items for inclusion in the record of its Appeal of the Court’s denial of the Stay Motion and these items should be stricken from the record. For instance, the Designations include documents that were not admitted into evidence or (apparently) considered by the Court when rendering its Stay Order, such as documents relating to the Recusal Proceedings, the Trust Extension Proceedings, and other documents that are irrelevant to the appeal of the Stay Order. For the reasons set forth herein, the Improper Items should be stricken from the record on Appeal.

### **RELEVANT BACKGROUND**

2. On May 19, 2025, Highland filed its *Motion for Entry of an Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C § 363 Approving Settlement With the HMIT Entities and Authorizing Actions Consistent Therewith* [Docket No. 4216]. Objections were filed by Patrick Daugherty, [Docket No. 4229], Crown Global Life Insurance, Ltd., and the Dallas Foundation, [Docket No. 4231], and Dugaboy, [Docket No. 4230].

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<sup>2</sup> Capitalized terms not defined in this Preliminary Statement shall have the meanings ascribed to them below.

3. A hearing was held on June 25, 2025 and the Court entered the *Order Pursuant to Bankruptcy Rule 9019 and 11 U.S.C. § 363 Approving Settlement Between the Highland Entities and the HMIT Entities and Authorizing Actions Consistent Therewith* [Docket No. 4297] (the “HMIT Settlement Order”). Dugaboy appealed the HMIT Settlement Order. [Docket No. 4311].

4. On July 17, 2025, Dugaboy filed *The Dugaboy Investment Trust’s Motion to Stay 9019 Order* [Docket No. 4326] (the “Stay Motion”) in which Dugaboy requested that the Court stay the HMIT Settlement Order for 90 days so that Dugaboy and other parties could investigate what it asserts was a fraud committed by an individual named Mark Patrick in connection with a Cayman Islands charitable foundation structure (the “Cayman Islands Charitable Foundation Structure”) that Mark Patrick manages. The Stay Motion was based almost entirely on a Complaint filed in the Cayman Islands by a Joint Official Liquidator on July 15, weeks after the hearing on the HMIT Settlement and just two days before Dugaboy filed the Stay Motion.

5. On July 21, 2025, the Court entered the *Memorandum Opinion and Order Regarding Stay Requests [Addressing DE ## 4326 & 4308]* [Docket No. 4333] (the “Stay Order”), in which the Court denied the Stay Motion.<sup>3</sup>

6. On August 4, 2025, Dugaboy filed its *Notice of Appeal of Order Regarding Stay Requests [Addressing DE ## 4326 & 4308]* [Docket No. 4353] (the “Appeal”).

7. Dugaboy’s Appeal was assigned to Judge Scholer of the United States District Court, Case No. 3:25-cv-02072-S.

8. On August 18, 2025, Dugaboy filed its *Statement of Issues to Be Presented and Designation of Items to Be Included in the Record on Appeal from the Bankruptcy Court’s Order*

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<sup>3</sup> The Stay Order also denied an informal request by the Texas Attorney General to stay the entire bankruptcy case. [See Docket No. 4308]. The Texas Attorney General did not appeal.

*Regarding Stay Requests [Addressing DE ## 4326 & 4308]* [Docket No. 4374] (the “Initial Designations”). On September 24, 2025, in response to a communication from the Clerk of the Court, [see Docket No. 4410], Dugaboy filed a modified version of the Initial Statement of Issues [Docket No. 4411] (the “Designations”).

9. Notwithstanding the modest record and the limited scope of the Stay Motion and the Stay Order, in the Designations, Dugaboy designated over 40 items to be included in the record on its Appeal, many of which are documents or concern issues that were not a part of the record or otherwise raised in connection with Stay Motion and the Stay Order.

10. For instance, the Designations include documents in connection with (a) the *Motion for an Order Further Extending Duration of Trusts* [Docket No. 4213] (the “Trust Extension Proceedings”); and (b) the Court’s *Order Denying Fifth Motion to Recuse* [Docket No. 4379] (the “Recusal Order”), as well as other recusal motions and orders filed over the course of this case (such recusal proceedings are referred to, collectively, with the Recusal Order, as the “Recusal Proceedings”).

11. Attached as **Exhibit 1** to the Proposed Order is a list of the improper Designations and Statement of Issues (collectively, the “Improper Items”).

### **ARGUMENT**

12. Bankruptcy Rule 8009(e)(1) provides: “If any difference arises about whether the record accurately discloses what occurred in the bankruptcy court, the difference must be submitted to and settled by the bankruptcy court and the record conformed accordingly. If an item has been improperly designated as part of the record on appeal, a party may move to strike that item.” Bankruptcy Rule 8009(e)(1) vests this Court with sole authority to consider such a motion.<sup>4</sup>

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<sup>4</sup> See *Lockwood v. GlassRatner Advisory & Cap. Grp. LLC (In re Lockwood Holdings Inc.)*, No. 4:21-cv-00456, 2024 U.S. Dist. LEXIS 30186, at \*6 (S.D. Tex. Feb. 22, 2024) (Rule 8009 “provides that the bankruptcy court resolves

13. In doing so, this Court should be guided by Fifth Circuit precedent, including the leading case of *Wooley v. Haynes & Boone, L.L.P. (In re SI Restructuring Inc.)*, in which the Fifth Circuit affirmed the district court’s affirmance of the bankruptcy court’s granting of a motion to strike “documents [designated] as part of the [appellate] record even though the documents were never properly admitted to this proceeding.”<sup>5</sup> Citing Bankruptcy Rule 8006 (the predecessor rule to Bankruptcy Rule 8009) and the Fifth Circuit’s earlier case of *Zer-Ilan v. Frankford (In re CPDC Inc.)*,<sup>6</sup> the Fifth Circuit held that because “the disputed evidence was not admitted as evidence before the bankruptcy court when it ruled on the ... motion,” those items were properly stricken from the appellate record.<sup>7</sup>

14. Even though Bankruptcy Rule 8009(e) uses slightly different language than its predecessor rule,<sup>8</sup> courts have maintained the vitality of the Fifth Circuit precedent of *SI Restructuring* and *CPDC* in considering motions to strike under the newer rule. For example, in *Carmichael*, the court observed that appellants “cannot use their designation to create a version of the appellate record that does not reflect [their] presentation of evidence in the Bankruptcy Court ... The Court’s primary concern is supplying the District Court with a record that ‘accurately discloses what occurred in the bankruptcy court.’ Fed. R. Bankr. P. 8009(e).”<sup>9</sup>

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disputes over designation of items to the record on appeal—not the district court to which an appeal is assigned”); *In re Digerati Techs., Inc.*, 531 B.R. 654, 660 (Bankr. S.D. Tex. 2015) (same).

<sup>5</sup> 480 F. App’x 327, 328 (5th Cir. 2012).

<sup>6</sup> 337 F.3d 436, 443 (5th Cir. 2003) (“Rule 8006 provides that the record on appeal from a bankruptcy court decision consists of designated materials that became part of the bankruptcy court’s record in the first instance. The rule does not permit items to be added to the record on appeal to the district court if they were not part of the record before the bankruptcy court.”).

<sup>7</sup> 480 F. App’x at 328.

<sup>8</sup> In *Digerati Technologies*, 531 B.R. at 660, the court noted that, because Rule 8009(e) was “fairly new” and had “no case law at this point interpreting this new rule,” it would “look to case law interpreting the predecessor to Rule 8009”—that is, former Bankruptcy Rule 8006 (which formed the basis for the ruling in *SI Restructuring*).

<sup>9</sup> See *Carmichael v. Blake (In re Imperial Petroleum Recovery Corp.)*, No. 13-30466, 2022 Bankr. LEXIS 32, at \*6–13 (Bankr. S.D. Tex. Jan. 7, 2022) (relying on *SI Restructuring* to strike designated items because the “items were not

15. Based on the foregoing, the Bankruptcy Court should strike the Improper Items from the record because the Court never considered them when rendering the Stay Order.

16. Dugaboy's attempt to introduce documents on appeal concerning its never-ending attempt to recuse Judge Jernigan is particularly egregious since (a) Dugaboy never challenged Judge Jernigan's impartiality or moved to recuse her in connection with the Stay Motion (and therefore never gave the Court an opportunity to address any concerns Dugaboy supposedly had), and (b) Dugaboy is obviously (and improperly) trying to get recusal issues addressed on a direct appeal of a final order (*i.e.*, the Stay Order) even though the Court's Recusal Order is interlocutory—something Dugaboy has been told time and again by the District Court.

17. Conversely, Appellee would be severely prejudiced by the inclusion of the Improper Items because Dugaboy would (a) improperly obtain appellate consideration of an interlocutory order (*i.e.*, the Recusal Order), and (b) otherwise use the Improper Items to challenge the Order even though this Court never considered those items—in other words, including those Improper Items would fail to “supply[ ] the District Court with a record that ‘accurately discloses what occurred in the bankruptcy court,’” giving Dugaboy an unwarranted advantage and distorting the appellate proceedings.

18. Dugaboy appears to be attempting to include in the record documents and information that have nothing to do with the actual appeal, all in an effort to support irrelevant arguments or issues that were never preserved for appeal. *See* Docket No. 4374 at 1-2 (Statement of Issues to be Presented on Appeal). The Court should take a scalpel to the Designations and

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admitted into evidence at trial or explicitly accepted as proffers” and rejecting that “each item’s filing is sufficient to warrant its inclusion in the appellate designation”); *see also Digerati Techs.*, 531 B.R. at 663 (holding that items not before the court and not considered by it in rendering its decision should not be included in the record).



extract the Improper Items on the grounds that they were never offered or admitted into evidence or considered by the Court.

**PRAYER**

WHEREFORE, Appellees respectfully request that the Court (i) enter the Proposed Order granting the Motion and (ii) grant Appellees such further and additional relief as the Court deems necessary and appropriate.

DATED: October 29, 2025

**PACHULSKI STANG ZIEHL & JONES LLP**

Jeffrey N. Pomerantz (admitted *pro hac vice*)

John A. Morris (admitted *pro hac vice*)

Gregory V. Demo (admitted *pro hac vice*)

Hayley R. Winograd (admitted *pro hac vice*)

10100 Santa Monica Boulevard, 13th Floor

Los Angeles, CA 90067

Tel: (310) 277-6910

Fax: (310) 201-0760

Email: [jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)

[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)

[gdemo@pszjlaw.com](mailto:gdemo@pszjlaw.com)

[hwinograd@pszjlaw.com](mailto:hwinograd@pszjlaw.com)

-and-

**HAYWARD PLLC**

/s/ Melissa S. Hayward

Melissa S. Hayward

Texas Bar No. 24044908

[MHayward@HaywardFirm.com](mailto:MHayward@HaywardFirm.com)

Zachery Z. Annable

Texas Bar No. 24053075

[ZAnnable@HaywardFirm.com](mailto:ZAnnable@HaywardFirm.com)

10501 N. Central Expy, Ste. 106

Dallas, Texas 75231

Tel: (972) 755-7100

Fax: (972) 755-7110

*Counsel for Highland Capital Management, L.P.,  
and the Highland Claimant Trust*

**CERTIFICATE OF CONFERENCE**

Dugaboy opposes the relief requested because it has not completed its review of the items subject to the Motion but offered to confer next week in an effort to narrow any dispute.

*/s/ John A. Morris*

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John A. Morris

**EXHIBIT A**

**Proposed Order**

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

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In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.  
-----

§  
§ Chapter 11  
§  
§ Case No. 19-34054-sgj11  
§  
§

**ORDER STRIKING ITEMS  
IMPROPERLY DESIGNATED AS PART OF THE RECORD ON APPEAL**

Upon consideration of *Appellees' Motion to Strike Items Improperly Designated as Part of the Record on Appeal* [Docket No. \_\_\_\_] (the "Motion")<sup>2</sup> filed by the Highland Claimant Trust; and the Court having found that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and Federal Rule of Bankruptcy Procedure 8009(e); (b) this is a core

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<sup>1</sup> The last four digits of the Reorganized Debtor's taxpayer identification number are 8357. The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings ascribed to such terms in the Motion.

proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; (d) notice of the Motion was proper and sufficient under the circumstances and no further or additional notice need be given; and (e) the factual and legal bases set forth in the Motion establish sufficient cause for the relief granted in this Order; after due deliberation, **IT IS ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. The Improper Items set forth on **Exhibit 1** are stricken from the record on Dugaboy's appeal of the Stay Order, and the Clerk of the Court is directed to take all steps necessary to effectuate this provision.
3. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

###End of Order###

**EXHIBIT 1**

**LIST OF IMPROPER ITEMS TO BE STRICKEN  
FROM THE RECORD ON THE APPEAL OF THE STAY ORDER**

<b>Date Filed</b>	<b>Docket No.</b>	<b>Description/Docket Text</b>
3/18/2021	2060	Motion to recuse Judge Jernigan Filed by Interested Party James Dondero (Lang, Michael)
3/18/2021	2061	Brief in support filed by Interested Party James Dondero (RE: related document(s) 2060 Motion to recuse Judge Jernigan). (Lang, Michael)
3/18/2021	2062	Support/supplemental document Appendix to Motion to Recuse filed by Interested Party James Dondero (RE: related document(s)2060 Motion to recuse Judge Jernigan). (Lang, Michael)
3/23/2021	2083	Order denying motion to recuse (related document #2060) Entered on 3/23/2021. (Okafor, M.)
4/6/2021	2169	Amended notice of appeal filed by Interested Party James Dondero (RE: related document(s)2149 Notice of appeal). (Lang, Michael)
4/15/2022	2205	Statement of issues on appeal, filed by Interested Party James Dondero (RE: related document(s)2083 Order on motion to recuse Judge). (Lang, Michael)
4/15/2021	2206	Appellant designation of contents for inclusion in record on appeal filed by Interested Party James Dondero (RE: related document(s)2169 Amended notice of appeal). Appellee designation due by 04/29/2021. (Lang, Michael)
2/9/2022	3264	DISTRICT COURT MEMORANDUM OPINION AND ORDER - The Recusal Order is not a final, appealable order, is not subject to the collateral order doctrine, and is not an appealable interlocutory order under § 1292 (a) and the Court is without jurisdiction over this appeal of the Bankruptcy Court's Recusal Order. The Court further denies Appellants leave to appeal the Recusal Order under § 1292 (b), denies Appellants' request to withdraw the reference of their motion to recuse, and denies Appellants' request to construe their appeal as a petition for writ of mandamus. Accordingly, the Court dismisses this appeal for lack of jurisdiction. (Ordered by Judge Ed Kinkeade on 2/9/2022). Civil Action number:3:21-cv-00879-K, DISMISSED for lack of jurisdiction (RE: related document(s)2083 Order on motion to recuse Judge). Entered on 2/9/2022 (Whitaker, Sheniqua) Modified on 2/25/2022 (Whitaker, Sheniqua). (Entered: 02/25/2022)
7/20/2022	3406	Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support Filed by Interested Party James Dondero

Date Filed	Docket No.	Description/Docket Text
		(Attachments: #1 Appendix Appendix (Lang, Michael) Modified text on 7/21/2022 (Ecker, C.).
8/1/2022	3422	Notice of hearing on Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero (RE: related document(s)3406 Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support Filed by Interested Party James Dondero (Attachments: # 1 Appendix Appendix) (Lang, Michael) Modified text on 7/21/2022(Ecker, C.).). Hearing to be held on 8/31/2022 at 09:30 AM at <a href="https://us-courts.webex.com/meet/jerniga">https://us-courts.webex.com/meet/jerniga</a> for 3406, (Lang, Michael)
8/15/2022	3444	Response opposed to (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) filed by Debtor Highland Capital Management, L.P.. (Attachments: #1 Exhibit A (Annable, Zachery)
8/15/2022	3445  <i>[to be submitted to Clerk on flash drive]</i>	Exhibit List (Appendix in Support of Highland Capital Management, L.P.'s Objection to Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 USC 455 and Brief in Support) filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3444 Response). (Attachments: #1 Exhibit 1 , #2 Exhibit 2 , #3 Exhibit 3 , #4 Exhibit 4 , #5 Exhibit 5 , #6 Exhibit 6 , #7 Exhibit 7 , #8 Exhibit 8 , #9 Exhibit 9 , #10 Exhibit 10 , #11 Exhibit 11 , #12 Exhibit 12 , #13 Exhibit 13 , #14 Exhibit 14 , #15 Exhibit 15 , #16 Exhibit 16 , #17 Exhibit 17 , #18 Exhibit 18 , #19 Exhibit 19 , #20 Exhibit 20 , #21 Exhibit 21 , #22 Exhibit 22 , #23 Exhibit 23 , #24 Exhibit 24 , #25 Exhibit 25 , #26 Exhibit 26 , #27 Exhibit 27 , #28 Exhibit 28 , #29 Exhibit 29 , #30 Exhibit 30 , #31 Exhibit 31 , #32 Exhibit 32 , #33 Exhibit 33 , #34 Exhibit 34 , #35 Exhibit 35 , #36 Exhibit 36 , #37 Exhibit 37 , #38 Exhibit 38 , #39 Exhibit 39 , #40 Exhibit 40 , #41 Exhibit 41 , #42 Exhibit



Date Filed	Docket No.	Description/Docket Text
		42 , #43 Exhibit 43 , #44 Exhibit 44 , #45 Exhibit 45 , #46 Exhibit 46 , #47 Exhibit 47 , #48 Exhibit 48 , #49 Exhibit 49 , #50 Exhibit 50 , #51 Exhibit 51 , #52 Exhibit 52 , #53 Exhibit 53 , #54 Exhibit 54 , #55 Exhibit 55 , #56 Exhibit 56 , #57 Exhibit 57 , #58 Exhibit 58 , #59 Exhibit 59 , #60 Exhibit 60 , #61 Exhibit 61 , #62 Exhibit 62 , #63 Exhibit 63 , #64 Exhibit 64 , #65 Exhibit 65 , #66 Exhibit 66 , #67 Exhibit 67 , #68 Exhibit 68 , #69 Exhibit 69 , #70 Exhibit 70 , #71 Exhibit 71 , #72 Exhibit 72 , #73 Exhibit 73 , #74 Exhibit 74 , #75 Exhibit 75 , #76 Exhibit 76 , #77 Exhibit 77 , #78 Exhibit 78 , #79 Exhibit 79 , #80 Exhibit 80 , #81 Exhibit 81 , #82 Exhibit 82 , #83 Index 83 , #84 Exhibit 84 , #85 Exhibit 85 , #86 Exhibit 86 (Annable, Zachery)
8/15/2022	3446	Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) Filed by Debtor Highland Capital Management, L.P. (Annable, Zachery)
8/15/2022	3447	Declaration re: (Declaration of John A. Morris in Support of Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3446 Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capi). (Annable, Zachery)
8/17/2022	3456	Notice of hearing filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3446 Motion to strike (related document(s): 3406 Motion for leave

Date Filed	Docket No.	Description/Docket Text
		Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) Filed by Debtor Highland Capital Management, L.P., 3449 Motion to compel Lawyers' Depositions. Filed by Debtor Highland Capital Management, L.P. (Ecker, C.)). Hearing to be held on 8/31/2022 at 09:30 AM at <a href="https://us-courts.webex.com/meet/jerniga">https://us-courts.webex.com/meet/jerniga</a> for 3446 and for 3449, (Annable, Zachery)
8/22/2022	3463	Reply to (related document(s): 3444 Response filed by Debtor Highland Capital Management, L.P.) filed by Interested Party James Dondero. (Lang, Michael)
8/24/2022	3466	Amended Notice of hearing filed by Interested Party James Dondero (RE: related document(s)3406 Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support Filed by Interested Party James Dondero (Attachments: # 1 Appendix Appendix) (Lang, Michael) Modified text on 7/21/2022(Ecker, C.), 3446 Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capital Management, L.P.'s Motion to (A) Strike Letters Attached to Appendix in Support of the Dondero Parties' Supplemental Recusal Motion [Docket No. 3406], or, (B) Alternatively, to Compel the Lawyers' Depositions) Filed by Debtor Highland Capital Management, L.P., 3449 Motion to compel Lawyers' Depositions. Filed by Debtor Highland Capital Management, L.P. (Ecker, C.), 3462 Order converting the August 31, 2022 at 9:30 AM Hearing on (A) The motion for final appealable order and supplement to motion to recuse and (B) related motions to strike and compel to a preliminary status/scheduling conference (RE: related document(s)3406 Motion for leave filed by Interested Party

Date Filed	Docket No.	Description/Docket Text
		James Dondero, 3446 Motion to strike document filed by Debtor Highland Capital Management, L.P., 3449 Motion to compel filed by Debtor Highland Capital Management, L.P.). Entered on 8/19/2022 (Ecker, C.)). Status Conference to be held on 8/31/2022 at 09:30 AM at <a href="https://us-courts.webex.com/meet/jerniga">https://us-courts.webex.com/meet/jerniga</a> . (Lang, Michael)
8/26/2022	3470	Amended motion for final appealable order and proposed supplement to the record filed by Interested Party James Dondero (RE: related document(s)3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support). (Attachments: #1 <u>Appendix</u> (Lang, Michael) MODIFIED text to match PDF on 9/1/2022 (Ecker, C.)).
8/26/2022	3471	Stipulation by James Dondero and Highland Capital Management, L.P.. filed by Interested Party James Dondero (RE: related document(s)3446 Motion to strike (related document(s): 3406 Motion for leave Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support filed by Interested Party James Dondero) (Highland Capi, 3449 Motion to compel Lawyers' Depositions.)). (Lang, Michael)
9/1/2022	3479	Order denying amended motion of James Dondero, Highland Capital Management Fund Advisors, L.P., Nexpoint Advisors, L.P. The Dugaboy Investment Trust Get Good Trust and, Nexpoint Real Estate Partners, LLC, F/K/A HCRE Partners, A Delaware Limited Liability Company for final appealable order and supplement to motion to recuse pursuant to 28 U.S.C. Section 455 (RE: related document(s)3470 Brief filed by Interested Party James Dondero). Entered on 9/1/2022 (Okafor, Marcey)
9/1/2022	3480	Transcript regarding Hearing Held 08/31/2022 (27 pages) RE: Status Conference Re: Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 (#3406). THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE

Date Filed	Docket No.	Description/Docket Text
		GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING. TRANSCRIPT RELEASE DATE IS 11/30/2022. 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) 3478 Hearing held on 8/31/2022. (RE: related document(s)3406 Motion for Final Appealable Order and Supplement to Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support, filed by Interested Party James Dondero.) (Appearances: M. Lang for Movants; J. Pomeranz for Reorganized Debtor. Nonevidentiary status conference. Based on discussions with counsel at status conference as to what actual relief is being sought, the motion (even as currently amended) will be denied as procedurally defective. This is without prejudice to movants filing a new motion pursuant to Rule 54 seeking the simple relief of having the last sentence of this courts 3/23/21 order deleted, or a new motion to recuse, if Movants have any desire to supplement the record. Court to issue order.)). Transcript to be made available to the public on 11/30/2022. (Rehling, Kathy)
9/27/2022	3541	Motion to recuse Judge Stacey G. C. Jernigan Filed by Interested Party James Dondero (Lang, Michael)
9/72/2022	3542	Brief in support filed by Interested Party James Dondero (RE: related document(s)3541 Motion to recuse Judge Stacey G. C. Jernigan). (Attachments: #1 Appendix (Lang, Michael)
10/14/2022	3567	Agreed Scheduling Order on renewed motion to recuse (related document #3541) Entered on 10/14/2022. (Okafor, Marcey)
10/17/2022	3570	Motion to recuse Judge Stacey G. C. Jernigan - AMENDED Filed by Interested Party James Dondero (Lang, Michael)
10/17/2022	3571	Brief in support filed by Interested Party James Dondero (RE: related document(s)3570 Motion to recuse Judge Stacey G. C. Jernigan - AMENDED). (Attachments:

Date Filed	Docket No.	Description/Docket Text
		#1 Appendix (Lang, Michael)
10/31/2022	3595	Response opposed to (related document(s): 3541 Motion to recuse Judge Stacey G. C. Jernigan filed by Interested Party James Dondero, 3570 Motion to recuse Judge Stacey G. C. Jernigan - AMENDED filed by Interested Party James Dondero) filed by Debtor Highland Capital Management, L.P.. (Annable, Zachery)
10/31/2022	3596  <i>[to be submitted to Clerk on flash drive]</i>	Support/supplemental document (Appendix in Support of Highland's Objection to Renewed Motion to Recuse Pursuant to 28 U.S.C. 455 and Brief in Support) filed by Debtor Highland Capital Management, L.P. (RE: related document(s)3595 Response). (Attachments: #1 Exhibit 1 , #2 Exhibit 2 , #3 Exhibit 3 , #4 Exhibit 4 , #5 Exhibit 5 , #6 Exhibit 6 , #7 Exhibit 7 , #8 Exhibit 8 , #9 Exhibit 9 , #10 Exhibit 10 , #11 Exhibit 11 , #12 Exhibit 12 , #13 Exhibit 13 , #14 Exhibit 14 , #15 Exhibit 15 , #16 Exhibit 16 , #17 Exhibit 17 , #18 Exhibit 18 , #19 Exhibit 19 , #20 Exhibit 20 , #21 Exhibit 21 , #22 Exhibit 22 , #23 Exhibit 23 , #24 Exhibit 24 , #25 Exhibit 25 , #26 Exhibit 26 , #27 Exhibit 27 , #28 Exhibit 28 , #29 Exhibit 29 , #30 Exhibit 30 , #31 Exhibit 31 , #32 Exhibit 32 , #33 Exhibit 33 , #34 Exhibit 34 , #35 Exhibit 35 , #36 Exhibit 36 (Annable, Zachery)
3/3/2023	3673	Brief in support filed by Interested Party James Dondero (RE: related document(s)3570 Motion to recuse Judge Stacey G. C. Jernigan - AMENDED). (Lang, Michael)
3/6/2023	3675	Memorandum of Opinion and Order Denying Amended Renewed Motion to Recuse Pursuant to 28 U.S.C. Section 455 (RE: related document(s)3570 Motion to recuse Judge filed by Interested Party James Dondero). Entered on 3/6/2023 (Okafor, Marcey)
3/6/2023	3676	Order Denying Amended Renewed Motion to Recuse Pursuant to U.S.C. Section 455 (related document #3570) Entered on 3/6/2023. (Okafor, Marcey)
6/23/2025	4271	Amended Witness and Exhibit List filed by Debtor Highland Capital Management, L.P., Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s)4253 List (witness/exhibit/generic)). (Attachments:

Date Filed	Docket No.	Description/Docket Text
		#1 Exhibit 66, #2 Exhibit 67 (Annable, Zachery)
6/24/2025	4279	Witness and Exhibit List with Respect to Hearing to be Held on June 25, 2025 filed by Partner Dugaboy Investment Trust (RE: related document(s)4213 Motion to extend time to (Motion for an Order Further Extending Duration of Trusts) (RE: related document(s)4144 Order on motion to extend/shorten time)). (Attachments: #1 Exhibit 1 (Deutsch-Perez, Deborah)
6/27/2025	4290	Stipulation by Highland Claimant Trust, Highland Litigation Sub- Trust and The Dugaboy Investment Trust. filed by Other Professional Highland Claimant Trust, Interested Party Highland Litigation Sub-Trust (RE: related document(s)4223 Objection). (Annable, Zachery)
7/7/2025	4304	Order withdrawing Emergency Motion for Leave to File Adversary Proceeding [Dkt. 3699] with prejudice (RE: related document(s)4299 Motion to withdraw document filed by Interested Party Hunter Mountain Trust, Creditor Hunter Mountain Investment Trust). IT IS THEREFORE ORDERED that the proceedings defined in the Dismissal Motion as: Hunter Mountain Investment Trust v. Highland Cap. Mgmt., L.P., Case No. 3:23-cv-02071-E (N.D. Tex.), on remand to the Bankruptcy Court (including Hunter Mountain Investment Trusts Emergency Motion for Leave to File Adversary Proceeding filed at Bankruptcy Court Docket No. 3699 and all proceedings, decisions, and orders relating thereto), are dismissed with prejudice. Entered on 7/7/2025 (Okafor, M.)
8/15/2025	4372	Motion to recuse Judge Filed by Interested Parties James Dondero, NexPoint Advisors, L.P., NexPoint Asset Management, L.P., NexPoint Real Estate Advisors, L.P., The Dugaboy Investment Trust, The Get Good Non Exempt Trust No 2 (Attachments: #1 Proposed Order (Harper, Geoffrey)
9/2/2025	4379	Order denying fifth motion to recuse judge (related document #4372) Entered on 9/2/2025. (Okafor, M.)
9/16/2025	4396	Notice of appeal. Fee Amount \$298 filed by Partner

Date Filed	Docket No.	Description/Docket Text
		Dugaboy Investment Trust (RE: related document(s)4379 Order on motion to recuse Judge). Appellant Designation due by 09/30/2025. (Attachments: # 1 Exhibit A)(Harper, Geoffrey)
9/18/2025	4403	4403 Hearing held on 9/18/2025. (RE: related document(s) 4362 Motion to allow claims (Motion for Order Fixing Allowed Amount of Class 11 Interests) filed by Other Professional Highland Claimant Trust (Appearances: J. Morris for Reorganized Debtor; G. Harper for Dugaboy. Evidentiary hearing. Motion approved. Counsel to upload order.) (Edmond, Michael) (Entered: 09/22/2025)