

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

In re:  HIGHLAND CAPITAL MANAGEMENT, L.P.,  Reorganized Debtor.	Chapter 11  Case No. 19-34054-sgj11
THE DUGABOY INVESTMENT TRUST,  Appellant,  v.  HIGHLAND CLAIMANT TRUST,  Appellee.	Case No. 3:25-cv-02724-L

**DUGABOY’S UNOPPOSED MOTION TO STAY AND MODIFY APPELLATE  
BRIEFING DEADLINES PENDING THE BANKRUPTCY COURT’S RESOLUTION OF  
HIGHLAND’S MOTION TO STRIKE ITEMS FROM THE APPELLATE RECORD**

Pursuant to Federal Rules of Bankruptcy Procedure 8018(a) and 9006(b), Appellant The Dugaboy Investment Trust (“Dugaboy”) respectfully moves to stay and modify all briefing deadlines in this appeal pending the Bankruptcy Court’s disposition of Appellee Highland Claimant Trust’s (“Highland”) Motion to Strike certain items from the appellate record. *See* Bankr. Dkt. 4450.<sup>1</sup> In support, Dugaboy states as follows:

On September 22, 2025, the Bankruptcy Court granted Highland’s Motion for an Order Fixing the Allowed Amount of Dugaboy’s Class 11 Interests. Bankr. Dkt. 4401. Dugaboy timely filed its Notice of Appeal on October 6, 2025 (Bankr. Dkt. 4423) and filed its Statement of Issues

<sup>1</sup> References to “Bankr. Dkt.” refer to the underlying bankruptcy proceeding, *In re Highland Capital Mgmt., L.P.*, Bankr. N.D. Tex. Case No. 19-34054-sgj11.



and Designation of Items for the Appellate Record on October 9, 2025. Bankr. Dkt. 4431.

On October 24, 2025, Dugaboy asked this Court to stay its appellate briefing deadlines pending Judge Kinkeade's ruling in a related case on Dugaboy's motion to consolidate four related appeals (including this one) into a single proceeding. Dkt. 14; *see* Case No. 3:25-cv-01876, Dkt. 39. Highland did not oppose that requested stay. Dkt. 16.

On November 18, 2025, Judge Kinkeade denied Dugaboy's motion to consolidate. Case No. 3:25-cv-01876, Dkt. 48 (attached as Exhibit A). That ruling mooted Dugaboy's pending motion to stay proceedings in this case while waiting on Judge Kinkeade's ruling (Dkt. 14), and Dugaboy accordingly withdraws that motion.

On October 29, 2025, Highland filed a motion in the Bankruptcy Court pursuant to Fed. R. Bankr. P. 8009(e) asking that court to strike numerous items from Dugaboy's designation of the appellate record that Highland contends were "improperly designated." Bankr. Dkt. 4450 (attached as Exhibit B). That Motion to Strike (which Dugaboy opposes) is pending before the Bankruptcy Court, with a hearing set for January 27, 2025.

On December 2, 2025, the District Clerk certified transmittal of the complete record on appeal for this proceeding. Dkt. 17. This certification starts the clock on the appellate briefing deadlines under Fed. R. Bankr. P. 8018(a). Without the extension of briefing deadlines sought in this Motion, Dugaboy's opening brief will be due on January 2, 2026; Highland's response brief will be due February 2, 2026; and Dugaboy's reply will be due February 17, 2026. If these briefing deadlines are not extended until after the resolution of the Motion to Strike, the parties will be unable to effectively draft their briefs or craft their arguments without knowing which items (if any) the Bankruptcy Court may order to be stricken from the record.

Even though the record has already been certified as complete in this proceeding (*see* Dkt.

17), the parties cannot rely on that record in its current form. Significant changes in the composition of the record could still result, depending on how the Bankruptcy Court rules on Highland's Motion to Strike. That ruling could potentially limit which parts of the record the parties can or cannot cite in their appellate briefing. Notwithstanding the District Clerk's certification (Dkt. 17), the contents of the record for this appeal will not be fixed until after the Bankruptcy Court resolves the Motion to Strike, which will not happen any earlier than the hearing set for January 27, 2026. For this reason, it is unworkable to hold Dugaboy to the schedule dictated by Rule 8018(a), which requires Dugaboy to file its opening brief by January 2, 2026 not yet knowing which (if any) portions of the record it designated will be stricken and thus off limits for purposes of appellate briefing. Depending on how the Bankruptcy Court rules, Dugaboy could be required to come back several weeks later with a significantly amended brief reflecting the deletion of any items stricken from the record. Forcing Dugaboy to write two different opening briefs on two different evidentiary records would be highly prejudicial to Dugaboy (and also to Highland if forced to file two different responses to two Dugaboy briefs) and utterly pointless insofar as it would bring no benefit either to the parties or to the Court.

To prevent this procedural trainwreck, Dugaboy respectfully requests that this Court tie its briefing schedule to the Bankruptcy Court's resolution of the pending Motion to Strike, as follows:

1. Appellate proceedings will be stayed until the Bankruptcy Court rules on the pending Motion to Strike.
2. Dugaboy's opening brief will be due 40 days after the entry of the Bankruptcy Court's order on the Motion to Strike.
3. Highland's response brief will be due 30 days after Dugaboy files its opening brief.
4. Dugaboy's reply brief will be due 14 days after Highland files its response brief.

Good cause exists for this Court to grant the requested stay and modification of briefing deadlines, in order to serve judicial economy and avoid the difficulties of attempting to brief on an uncertain record. Good cause also exists because (1) Highland is unopposed to Dugaboy's proposed schedule; (2) Dugaboy has not previously received any extensions of deadlines in this proceeding; and (3) Dugaboy is making this request well in advance of the earliest deadline it seeks to extend (January 2, 2026). *See* Fed. R. Bankr. P. 9006(b)(1)(A).

For the reasons discussed above, Dugaboy respectfully asks this Court to (1) stay proceedings pending the Bankruptcy Court's ruling on the Motion to Strike, and (2) adopt a briefing schedule as follows:

- Dugaboy's opening brief will be due 40 days after the entry of the Bankruptcy Court's order on the Motion to Strike.
- Highland's response brief will be due 30 days after Dugaboy files its opening brief.
- Dugaboy's reply brief will be due 14 days after Highland files its response brief.

Dated: December 19, 2025

Respectfully submitted,

**WINSTON & STRAWN LLP**

*/s/ Geoffrey S. Harper*

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### **CERTIFICATE OF SERVICE**

I certify that on December 19, 2025, a copy of this document was served electronically via the Court's CM/ECF system to the parties registered or otherwise entitled to receive electronic notices in this case.

/s/ Geoffrey S. Harper  
Geoffrey S. Harper

### **CERTIFICATE OF CONFERENCE**

Pursuant to Local Civil Rule 7.1(b), I certify that on December 18, 2025 Dugaboy counsel Mike Gaddis conferred by email with John Morris, counsel for the Highland Appellees, and was informed that the Appellees do not oppose the relief requested in this Motion.

/s/ Geoffrey S. Harper  
Geoffrey S. Harper

### **CERTIFICATE OF COMPLIANCE**

1. This document complies with the word limit of Fed. R. Bankr. P. 8013(f)(3)(A) because, excluding the portions excluded by Fed. R. Bankr. P. 8015(g), this document contains 942 words.
2. This document complies with the typeface requirements of Fed. R. Bankr. P. 8015(a)(5) and the type-style requirements of Fed. R. Bankr. P. 8015(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word, typeface Times New Roman, 14-point type (12-point type in footnotes).

/s/ Geoffrey S. Harper  
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# EXHIBIT A

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**To:** [Courtmail@txnd.uscourts.gov](mailto:Courtmail@txnd.uscourts.gov)  
**Cc:** [ECF\\_CH](#)  
**Subject:** Activity in Case 3:25-cv-01876-K The Dugaboy Investment Trust et al v. Highland Capital Management LP et al Order on Motion for Miscellaneous Relief  
**Date:** Tuesday, November 18, 2025 12:59:17 PM

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If you need to know whether you must send the presiding judge a paper copy of a document that you have docketed in this case, click here: [Judges' Copy Requirements](#). Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. [Forms and Instructions](#) found at [www.txnd.uscourts.gov](http://www.txnd.uscourts.gov). If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge.

## U.S. District Court

### Northern District of Texas

#### Notice of Electronic Filing

The following transaction was entered on 11/18/2025 at 12:58 PM CST and filed on 11/18/2025

**Case Name:** The Dugaboy Investment Trust et al v. Highland Capital Management LP et al  
**Case Number:** [3:25-cv-01876-K](#)  
**Filer:**  
**Document Number:** 48(No document attached)

#### Docket Text:

#### **ELECTRONIC ORDER:**

**Before the Court is Appellant The Dugaboy Investment Trust's Motion to Consolidate Proceedings and Extend Related Deadlines on Appeal (the "Motion to Consolidate") (Doc. No. 39). Having carefully considered the same, the Court DENIES the Motion to Consolidate.**

**In light of the Court's ruling on the Motion to Consolidate, The Dugaboy Investment Trust's Unopposed Motion to Stay Appellate Briefing Deadlines Pending Court's Ruling on Motion to Consolidate or Motion to Dismiss (Doc.**

**No. 44) is DENIED as moot.**

**(Ordered by Judge Ed Kinkeade on 11/18/2025) (chmb)**

**3:25-cv-01876-K Notice has been electronically mailed to:**

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# **EXHIBIT B**

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*Counsel for the Highland Claimant Trust*

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

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

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**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

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<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**

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*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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§  
§  
§  
§  
§  
§

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

<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>	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)). (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

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.)



certain items from the appellate record (Bankr. Case No. 19-34054-sgj11, Dkt. 4450) (the “Motion to Strike”). Having considered the parties’ arguments and noting that the Motion is unopposed, the Court concludes that the Motion to Stay is well taken.

Accordingly, it is hereby **ORDERED THAT**:

1. The Motion to Stay is **GRANTED**.
2. All proceedings and briefing deadlines in this appeal are hereby stayed pending the Bankruptcy Court’s ruling on Highland’s Motion to Strike.
3. The deadlines for appellate briefing will be as follows:
  - a) Dugaboy’s opening brief will be due 40 days after entry of the Bankruptcy Court’s order on the Motion to Strike.
  - b) Highland’s response brief will be due 30 days after Dugaboy files its opening brief.
  - c) Dugaboy’s reply brief will be due 14 days after Highland files its response brief.

**IT IS SO ORDERED** this [ ] day of December, 2025.

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Sam A. Lindsay  
United States District Judge