

**PLAINTIFF HIGHLAND CAPITAL MANAGEMENT, L.P. AND DEFENDANT
PATRICK HAGAMAN DAUGHERTY'S JOINT MOTION FOR LEAVE
TO FILE CERTAIN EXHIBITS UNDER SEAL**

Highland Capital Management, L.P. ("Highland") and Patrick Hagaman Daugherty ("Daugherty") (together the "Parties"), in support of this joint motion (the "Motion") for leave of the Court to file certain exhibits from *Highland Capital Management, L.P.'s Witness and Exhibit List with Respect to Trial to Be Held on April 17, 2026* ("Highland's Witness and Exhibit List") and *Daugherty's Witness and Exhibit List for Hearing Set for April 17, 2026* ("Daugherty's Witness and Exhibit List"), including supplements and amendments thereto, under seal, respectfully states the following:

Relief Requested

1. By this Motion, the Parties seek entry of an order from this Court, substantially in the form attached hereto as **Exhibit A** (the "Order") (a) authorizing Highland to file under seal Highland's exhibits 14, 21-28, 35-37, 57, 61, 62 ("Highland's Sealed Exhibits") from Highland's Witness and Exhibit List and Daugherty to file under seal exhibits 17-26, 21a, 29, 60-62, 64-67, 69, 72-77 and 83-85 ("Daugherty's Sealed Exhibits," and together with Highland's Sealed Exhibits, the "Sealed Exhibits") from Daugherty's Witness and Exhibit List because these Sealed Exhibits discuss information designated as confidential by agreed protective orders entered in this matter (Docket Nos. 67 and 77) (the "Protective Orders"); and (b) granting related relief. The Parties also request that any and all testimony and documentary evidence disclosing designated confidential information at any hearing discussing the Sealed Exhibits be sealed at such hearing.

2. The Parties have exchanged copies of their exhibits, agree that the above-listed Sealed Exhibits should be sealed, and will produce copies to other persons upon further order of the Court or upon agreement of the Parties.

Jurisdiction and Venue

3. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b).

4. Venue is proper pursuant to 28 U.S.C. § 1409.

5. The bases for the relief requested herein are sections 105(a) and 107 of title 11 of the United States Code (the “Bankruptcy Code”), rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and rule 9077-1 of the Bankruptcy Local Rules for the Northern District of Texas.

Basis For Relief

6. Section 107(b)-(c) of the Bankruptcy Code, in relevant part, provides courts with the power to issue orders that protect entities and individuals from potential harm that may result from the disclosure of certain confidential information:

(b) On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court’s own motion, the bankruptcy court may—

(1) protect an entity with respect to a trade secret or confidential research, development, or commercial information

(c)(1) The bankruptcy court, for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individual’s property:

(A) Any means of identification (as defined in section 1028(d) of the title 18) contained in a paper filed, or to be filed, in a case under this title

11 U.S.C. §§ 107(b)(1), (c)(1)(A); *see also* Fed. R. Bankr. P. 9018.

7. Although courts recognize a public right of access to judicial records and documents, this right is not absolute. *See Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 598 (1978); *Test Masters Educ. Servs., Inc. v. Robin Singh Educ. Servs., Inc.*, 799 F.3d 437, 454 (5th Cir. 2015).

“Every court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes.” *Nixon*, 435 U.S. at 598.

8. Here, certain of the exhibits—those identified as Highland and Daugherty’s Sealed Exhibits—are documents subject to the Protective Orders. These documents were denoted as “confidential” or otherwise contain information derived from confidential documents.

9. Furthermore, the Sealed Exhibits contain “means of identification” as that term is defined by section 1028(d) of title 18. *See* 18 U.S.C. § 1028(d). For instance, the vast majority of the Sealed Exhibits are tax filings, or related tax appeal filings, that contain social security numbers, addresses, and other information related to Highland, Daugherty, and other persons such that there is a potential risk that either Highland, Daugherty, or other persons could be subject to identity theft or other unlawful injury. *See* 11 U.S.C. § 107(c)(1).

WHEREFORE, the Parties respectfully request that the Court enter the Order granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted this 15th day of April 2026.

Respectfully submitted,

GRAY REED

By: /s/ Andrew K. York

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing instrument was served on all Parties or counsel of record herein on this 15th day of April, 2026, via the CM/ECF system and/or email.

/s/ draft

ANDREW K. YORK

Exhibit A

Proposed Order

information designated as confidential by agreed protective orders entered in this matter (Docket Nos. 67 and 77) (the “Protective Orders”); and (b) granting related relief; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that it may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. § 1409; and this Court having found good cause for the relief requested in the Motion; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Motion is **GRANTED**.
2. Highland is authorized to file Highland’s Sealed Exhibits under seal.
3. Daugherty is authorized to file Daugherty’s Sealed Exhibits under seal.
4. Any confidential information contained in the Sealed Exhibits shall remain confidential and under seal.
5. Any and all testimony and documentary evidence disclosing any confidential information at any hearing discussing the Sealed Exhibits shall be sealed at such hearing.
6. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
7. The Parties are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.
8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

Submitted by:

GRAY REED

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