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April 15, 2026

## Via CM/ECF

Lyle W. Cayce  
Office of the Clerk  
United States Court of Appeals for the Fifth Circuit  
600 S. Maestri Place  
New Orleans, L.A. 70130-3408

*Re: In re Highland Capital Mgmt., L.P.*, Case No. 26-10012: Request for Level 2 Extension  
of time in which to file opening brief under Local Rule 31.4.3.2

Dear Mr. Cayce:

Pursuant to this Court's Rule 31.4.3.2, Appellant The Dugaboy Investment Trust respectfully requests a 60-day extension of time to file its opening brief in the above-captioned matter. The requested extension would modify the due date for Appellant's brief from April 23, 2026, to June 22, 2026. This extension is the second extension requested by Appellant and thus a Level 2 extension request from the original due date of Appellant's brief on March 24, 2026.

Extraordinary circumstances support this request for an extension. The same issues underlying the appeal, namely the request for and the consequences of the Bankruptcy Judge's recusal, are currently being litigated in at least two other proceedings. *See In re Highland Capital Mgmt., L.P.*, No. 3:19-34054-sgj, Dkt. 4513 (N.D. Tex. Bankr. Feb. 9, 2026); *see also In re Highland Capital Mgmt., L.P.*, No. 3:25-cv-02724-L, Dkt. 23 (N.D. Tex. Mar. 2, 2026). A resolution in one or both of those proceedings could potentially obviate the need for the above-captioned appeal. We understand that a hearing before the Bankruptcy Court on the former proceeding is set for May 11, 2026, and briefing in the latter proceeding is set to be concluded by May 15, 2026.

The requested extension would increase the possibility that a decision is reached in one or both of the other proceedings prior to the commencement of briefing in the above-captioned appeal. Any such decision could resolve the recusal issue in Appellants' favor and wholly or partially obviate the need for this instant appeal or provide the Court the option to consolidate any appeal from either side from such orders with the instant appeal. Either outcome would serve the interests of judicial economy and prevent multiple appellate proceedings on closely related issues from the same case.



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Appellant's counsel conferred with counsel for the Appellee, who reports the Appellee opposes the requested extension. Appellee's opposition appears to be based on his view of the merits of the appeal, asserting there is "no good faith basis to continue litigating" the recusal issue, as it has "been finally decided." Appellant disagrees that these issues have "been finally decided," especially in light of the recent recusal of Chief Judge Jernigan in the interim due to a resolution of proceedings before the Judicial Council for this Court and further proceedings on the effects of this recusal on the bankruptcy case. *See Order, In re Complaint of Judicial Misconduct Under the Judicial Improvements Act of 2002*, Case No. 05-26-90042 (Dec. 29, 2025); *Order, In re Complaint of Judicial Misconduct Under the Judicial Improvements Act of 2002*, Case No. 05-26-90044 (Dec. 29, 2025); *Order, In re Complaint of Judicial Misconduct Under the Judicial Improvements Act of 2002*, Case No. 05-26-90045 (Dec. 29, 2025).

Further, this request for extension comes as today new lead appellate counsel joins this case. To the extent the length of the requested extension concerns the Court, Appellant respectfully requests that the Court consider a shorter extension of 30 days. The Appellant is grateful for the Court's consideration of this request.

Dated: April 15, 2026

Respectfully submitted,

/s/ Geoffrey S. Harper

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cc: All counsel of record via ECF