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*Counsel for Highland Capital Management, L.P.*

**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.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Plaintiff/Counter-Defendant,	§	Adv. Proc. No. 25-03055-bwo
v.	§	
PATRICK HAGAMAN DAUGHERTY,	§	
Defendant/Counter-Plaintiff.	§	

<sup>1</sup> Highland’s last four digits of its taxpayer identification number are (8357). The service address for Highland is 6333 Mockingbird Ln., Ste 147 #5045, Dallas, Texas 75214.



**HIGHLAND CAPITAL MANAGEMENT, L.P.'S SECOND SUPPLEMENT TO SECOND AMENDED WITNESS AND EXHIBIT LIST WITH RESPECT TO TRIAL TO BE HELD ON APRIL 17, 2026**

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Highland Capital Management, L.P. ("Highland"), the reorganized debtor in the above-captioned chapter 11 case (the "Bankruptcy Case") and plaintiff/counter-defendant in the above-captioned adversary proceeding (the "Adversary Proceeding"), by and through its undersigned counsel, submits the following second supplement (the "Second Supplemental Witness and Exhibit List") to *Highland Capital Management, L.P.'s Second Amended Witness and Exhibit List with Respect to Trial to Be Held on April 17, 2026* [Docket No. 107] (the "Second Amended Witness and Exhibit List") with respect to (a) Highland's *Complaint for (1) Disallowance of Claim No. 205 in Its Entirety, (2) Estimation of Claim No. 205 for Allowance Purposes, or (3) Subordination of Any Allowed Portion of Claim No. 205 of Patrick Hagaman Daugherty* [Docket No. 1], and (b) *Patrick Daugherty's Answer to Plaintiff Highland Capital Management, L.P.'s Complaint for (1) Disallowance of Claim No. 205 in Its Entirety, (2) Estimation of Claim No. 205 for Allowance Purposes, or (3) Subordination of Any Allowed Portion of Claim No. 205 of Patrick Hagaman Daugherty [Docket No. 1] and Original Counterclaim* [Docket No. 39], which the Court set for trial at 9:00 a.m. (Central Time) on April 17, 2026 (the "Trial") in the Adversary Proceeding.<sup>2</sup>

**A. Witnesses:**

1. James P. Seery, Jr.;
2. David Klos;
3. Patrick Daugherty;
4. Trevor Jason Liles-Tims;

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<sup>2</sup> This Second Supplemental Witness and Exhibit List is being filed to include on the docket one additional exhibit introduced by Highland and admitted by the Court at the Trial.

5. Any witness identified by or called by any other party; and
6. Any witness necessary for rebuttal.

**B. Supplemental Exhibits:<sup>3</sup>**

Number	Exhibit	Offered	Admitted
67.	11/24/25 J. Morris email to J. Seery and others re: Settlement Proposal on HERA/ERA Books and Records		
68.	Any document entered or filed in Highland Capital Management, L.P.'s chapter 11 Bankruptcy Case or any associated adversary proceeding, including any exhibits thereto		
69.	All exhibits necessary for impeachment and/or rebuttal purposes		
70.	All exhibits identified by or offered by any other party at the Trial		

*[Remainder of Page Intentionally Blank]*

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<sup>3</sup> For the avoidance of doubt, the exhibits identified in this Second Supplemental Witness and Exhibit List supplement the exhibits listed in (i) the Second Amended Witness and Exhibit List filed on April 15, 2026, and (ii) *Highland Capital Management, L.P.'s First Supplement to Second Amended Witness and Exhibit List with Respect to Trial to Be Held on April 17, 2026* [Docket No. 128] filed on April 17, 2026.

Dated: April 20, 2026

**PACHULSKI STANG ZIEHL & JONES LLP**

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John A. Morris (NY Bar No. 2405397)  
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-and-

**HAYWARD PLLC**

*/s/ Zachery Z. Annable*

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Zachery Z. Annable  
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*Counsel for Highland Capital Management, L.P.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on April 20, 2026, a true and correct copy of the foregoing *Second Supplemental Witness and Exhibit List* was served electronically via the Court's CM/ECF system upon all parties receiving electronic notice in this Adversary Proceeding.

*/s/ Zachery Z. Annable*  
\_\_\_\_\_  
Zachery Z. Annable

**EXHIBIT 67**

**From:** [John A. Morris](#)  
**To:** [Jim Seery](#); [Tim Cournoyer](#); [David Klos](#)  
**Cc:** [Jeff Pomerantz](#)  
**Subject:** FW: Highland: Settlement Proposal on HERA/ERA Books and Records  
**Date:** Monday, November 24, 2025 2:35:56 PM  
**Attachments:** [grayreed40thanniversary\\_776cb36b-8781-4a34-a4ad-ddc5f9a4202d.png](#)

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FYI.

Not surprised . . .

**John A. Morris**

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Los Angeles | New York | Wilmington, DE | Houston | San Francisco

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**From:** Drew K. York <[dyork@grayreed.com](mailto:dyork@grayreed.com)>  
**Sent:** Monday, November 24, 2025 3:27 PM  
**To:** John A. Morris <[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)>; [mbobo@mwblawyer.com](mailto:mbobo@mwblawyer.com)  
**Cc:** [Jeff Pomerantz <jpomerantz@pszjlaw.com>](mailto:jpomerantz@pszjlaw.com); [Drake Rayshell <drayshell@grayreed.com>](mailto:drayshell@grayreed.com)  
**Subject:** RE: Highland: Settlement Proposal on HERA/ERA Books and Records

Hi John,

Mr. Daugherty rejects Highland's proposal.

Regards,

Drew

**Drew K. York**

**Partner**

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**From:** John A. Morris <[jmorris@pszjlaw.com](mailto:jmorris@pszjlaw.com)>  
**Sent:** Thursday, November 20, 2025 9:36 AM  
**To:** [mbobo@mwbllawyer.com](mailto:mbobo@mwbllawyer.com); Drew K. York <[dyork@grayreed.com](mailto:dyork@grayreed.com)>  
**Cc:** Jeff Pomerantz <[jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)>; Drake Rayshell <[drayshell@grayreed.com](mailto:drayshell@grayreed.com)>  
**Subject:** [EXTERNAL] RE: Highland: Settlement Proposal on HERA/ERA Books and Records

I am following up here.

Highland is incurring meaningful expenses addressing Mr. Daugherty's counterclaims.

If we do not receive a constructive response to the proposal below by 5:00 pm Central Time on Monday, November 24, the proposal will be deemed withdrawn without further notice.

As always, we're available to confer.

Regards,

John

**John A. Morris**

Pachulski Stang Ziehl & Jones LLP

Direct Dial: 212.561.7760

Tel: 212.561.7700 | Fax: 212.561.7777

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

[vCard](#) | [Bio](#) | [LinkedIn](#)



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**From:** John A. Morris  
**Sent:** Monday, November 17, 2025 1:33 PM  
**To:** [mbobo@mwblawyer.com](mailto:mbobo@mwblawyer.com); Drew K. York <[dyork@grayreed.com](mailto:dyork@grayreed.com)>  
**Cc:** Jeff Pomerantz <[jpomerantz@pszjlaw.com](mailto:jpomerantz@pszjlaw.com)>; Drake Rayshell <[drayshell@grayreed.com](mailto:drayshell@grayreed.com)>  
**Subject:** Highland: Settlement Proposal on HERA/ERA Books and Records

Bo and Drew,

Now that we have resolved the Destruction Motion, Highland believes we should try and resolve Mr. Daugherty's counterclaims in a way that gets him what he apparently wants while mitigating the burden to Highland.

The sole issue in dispute is whether e-mails are part of the HERA/ERA books and records (the parties' positions are clear and need not be repeated here).

In his *Second Amended Complaint* filed in the Delaware Chancery Court on February 22, 2019, Mr. Daugherty alleges that the wrongdoing relating to HERA/ERA began in February and March 2012, culminating in the asset assignment in April 2013. See Amended Complaint ¶¶ 22-39.

Based on that, Highland is prepared to conduct reasonable searches of up to four custodians for the period January 1, 2012, through April 30, 2013, and produce all "hits" without the assertion of any privilege in exchange for the dismissal with prejudice of Mr. Daugherty's counterclaims and the exchange of mutual general releases between Highland and HERA/ERA and a limited release from Mr. Daugherty with respect to all duties and obligations arising under paragraph 8 of the Settlement Agreement.

Such a settlement would eliminate the risk that Mr. Daugherty obtains nothing, promptly puts the potentially relevant documents in his hands, mitigates Highland's burden, and allows the parties to avoid all attorneys' fees and expenses arising from the litigation of Mr. Daugherty's counterclaims.

If that makes sense, please propose custodians and search terms and we'll respond quickly.

Regards,

John

**John A. Morris**

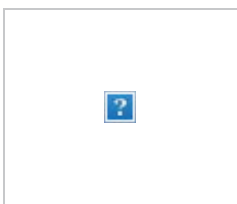
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