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Counsel for The Charitable DAF Fund, L.P. and CLO Holdco, Ltd.

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

In re:	§	Chapter 11
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	Case No. 19-34054-sgj11
	§	
Debtor.	§	
	§	
CHARITABLE DAF FUND, L.P. AND CLO HOLDCO, LTD., DIRECTLY AND DERIVATIVELY	§	
	§	
Plaintiffs,	§	Adversary Proceeding No.
	§	
vs.	§	21-03067-sgj11
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P., HIGHLAND HCF ADVISOR, LTD., AND HIGHLAND CLO FUNDING LTD., NOMINALLY	§	
	§	
Defendant.	§	
	§	

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

The Charitable DAF Fund, L.P.
CLO Holdco, Ltd.



2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding:
x Plaintiff
□ Defendant
□ Other (describe)
_____

For appeals in a bankruptcy case and not in an adversary proceeding:
□ Debtor
□ Creditor
□ Trustee
□ Other (describe)

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:

Order Denying Motion to Stay [Doc. 81]

2. State the date on which the judgment, order, or decree was entered: December 7, 2021

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys:

1. *Party/Appellee:* Debtor: Highland Capital Management, L.P.

Attorney:

PACHULSKI STANG ZIEHL & JONES LLP
Jeffery N. Pomerantz
Ira D. Kharasch
John A. Morris
Gregory V. Demo
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And

Hayward & Associates PLLC
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Zachery Z. Annable
10501 N. Central Expy. Ste. 106

Dallas, TX 75231
Telephone: (972) 755-7100
Fax: (972) 755-7110

2. *Party/Appellants:* Plaintiffs: The Charitable DAF Fund, L.P.
CLO Holdco, Ltd.

Attorney:

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Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts): Not applicable.

Dated: December 10, 2021

Respectfully submitted,

SBAITI & COMPANY PLLC

/s/ *Mazin A. Sbaiti*
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Counsel for Plaintiffs

CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 7, 2021

United States Bankruptcy Judge

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

In re: HIGHLAND CAPITAL MANAGEMENT, L.P.,[1] Debtor.	§	Chapter 11 Case No. 19-34054-sgj11
CHARITABLE DAF FUND, L.P. AND CLO HOLDCO, LTD. Plaintiff, vs. HIGHLAND CAPITAL MANAGEMENT, L.P., HIGHLAND HCF ADVISOR, LTD., AND HIGHLAND CLO FUNDING, LTD., Defendants.	§	Adversary Proceeding No. Case No. 21-03067-sgj

ORDER DENYING MOTION TO STAY

[1] The Debtor's last four digits of its taxpayer identification number are (8357). The headquarters and service address for the above-captioned Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

This matter having come before the Court on the *Plaintiffs' Motion to Stay All Proceedings* [Docket No. 55] (the "Motion")[2] filed by Charitable DAF Fund, L.P., and CLO Holdco, Ltd., the plaintiffs (the "Plaintiffs") in the above-captioned adversary proceeding (the "Adversary Proceeding"); and this Court having considered (i) the Motion; (ii) *Highland Capital Management, L.P.'s Opposition to Motion to Stay All Proceedings* [Docket No. 60] (the "Opposition"); (iii) *Plaintiffs' Amended Motion to Stay All Proceedings* [Docket No. 69] (the "Amended Motion"); (iv) and the arguments made during the hearing held on November 23, 2021 (the "Hearing"); and this Court having found that Plaintiffs failed to demonstrate that a stay of this Adversary Proceeding is warranted; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 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 venue of this proceeding and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that notice of the Motion and opportunity for a hearing on the Motion were appropriate and that no other notice need be provided; and upon all of the proceedings had before this Court, and after due deliberation and sufficient cause appearing therefor, and for the reasons set forth in the record on this Motion, **IT IS ORDERED, ADJUDGED, AND DECREED THAT**

1. The Motion is DENIED.

2. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

[2] Capitalized terms used but not herein defined shall have the meanings ascribed to such terms in the Motion.

BTXN 116 (rev. 07/08)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

APPEAL SERVICE LIST

Transmission of the Record

BK Case No.: 19−34054−sgj11

Adversary No.: 21−03067−sgj

Received in District Court by: _____

Date: _____

Volume Number(s): _____

cc: Stacey G. Jernigan
Robert (Bob) Schaaf
Nathan (Nate) Elner
Attorney(s) for Appellant
US Trustee

Appellant The Charitable DAF Fund, L.P. and CLO Holdco, Ltd.

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BTXN 010 (rev. 03/04)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

In Re:	§	
Highland Capital Management, L.P.	§	
Debtor(s)	§	Case No.: 19−34054−sgj11
The Charitable DAF Fund, L.P. and CLO Holdco, Ltd.	§	
Appellant(s)	§	Adversary No.: 21−03067−sgj
vs.	§	
Highland Capital Management, L.P.	§	
Appellee(s)	§	
	§	
	§	
	§	
	§	
	§	

CERTIFICATE OF MAILING

Notice of Appeal Filed By: The Charitable DAF Fund, L.P. and CLO Holdco, Ltd.

Re: [81] Order denying motion to stay

The Notice of Appeal was noticed to the parties, indicated by attachment, by either electronic transmission or U.S. mail on December 15, 2021.

DATED: 12/15/21

FOR THE COURT:
Robert P. Colwell, Clerk of Court

by: /s/Sheniqua Whitaker, Deputy Clerk