Case No. 26-10012

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

The Dugaboy Investment Trust,
Appellant,
v.
Highland Capital Management, L.P.,
Appellee.

APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE OPENING BRIEF

Appeal from the United States District Court for the Northern District of Texas, Dallas Division, the Honorable Jane J. Boyle Case No. 3:25-cv-02579-B

Michael J. Edney
MORGAN LEWIS BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone: (202) 739-3000
Facsimile: (202) 739-3001

Jonathan F. Mitchell
Mitchell Law PLLC
1111 Congress Avenue
Suite 400
Austin, TX 78701
Telephone: (512) 686-3940
Facsimile: (512) 686-3941

Attorneys for Appellant The Dugaboy Investment Trust

Pursuant to this Court's Rule 31.4.3.2, Appellant The Dugaboy Investment Trust ("Dugaboy") respectfully requests a short, seven-day extension to file its opening brief in the above-captioned matter. The requested extension would modify the due date for Appellant's brief from May 26, 2026 to June 2, 2026. This extension is the third extension requested by Appellant, and this is a Level 2 extension request from the original due date of Appellant's brief on March 24, 2026.

In support of this Motion, Appellant states as follows:

1. Extraordinary circumstances support this request for an extension, due to Dugaboy's counsel's engagement in trial before Judge Brad W. Odell in the underlying bankruptcy, *In re Highland Capital Management, L.P.*, Case No. 3:19-br-34054-sgj, related to Dugaboy's Motion to Vacate under Fed. R. Civ. P. 60(b). As mentioned in Dugaboy's previous request for an extension, Dkt. 43 at 2, the evidentiary hearing on Dugaboy's Motion to Vacate was set for May 11, 2026 as a one-day hearing for presentation of evidence in relation to the Motion to Vacate. The proceedings continued intermittently until parties made closing arguments on May 21, 2026. The trial proceedings in the underlying bankruptcy have presented challenges in preparing the opening brief in this matter.

2. A short, seven-day extension is supported by Dugaboy's counsel's substantial need and is not the result of lack of diligence. Duagboy's counsel has

diligently focused on lengthier-than-expected proceedings in the lower court proceedings underlying this appeal.

3. On May 26, 2026, counsel for the Appellant contacted Appellee's counsel seeking non-opposition on the relief requested herein. As of filing this motion, the Appellant has not received a response from Appellee's counsel.

Dated: May 26, 2026

By: */s Jonathan F. Mitchell*

Jonathan F. Mitchell
Mitchell Law PLLC
1111 Congress Avenue
Suite 400
Austin, TX 78701
Telephone: (512) 686-3940
Facsimile: (512) 686-3941
jonathan@mitchell.law

Michael J. Edney
MORGAN LEWIS BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone: (202) 739-3000
Facsimile: (202) 739-3001
michael.edney@morganlewis.com

CERTIFICATE OF WORD COMPLIANCE

Pursuant to the Court's Procedural Rule 32.3, I certify that this document has been prepared in 14-point font and contains 274 words as measured by the word-processing system used to prepare this motion.

/s/ Jonathan F. Mitchell
Jonathan F. Mitchell

CERTIFICATE OF ELECTRONIC COMPLIANCE

Counsel certifies that on May 26, 2026, the foregoing document was transmitted to Mr. Lyle W. Cayce, Clerk of the United States Court of Appeals for the Fifth Circuit, via the court's CM/ECF document filing system, https://ecf.ca5.uscourts.gov.

Counsel further certifies that: (1) required privacy redactions have been made, 5th Cir. R. 25.2.13; (2) the electronic submission is an exact copy of the paper document, 5th Cir. R. 25.2.1; and (3) the document has been scanned for viruses and has been found to be free of viruses.

/s/ Jonathan F. Mitchell
Jonathan F. Mitchell

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME REQUIREMENTS, TYPEFACE REQUIREMENTS AND TYPE-STYLE REQUIREMENTS

This motion complies with the type-volume requirements of Fed. R. App. P. 27(d)(2) because excluding the exempted portions, it contains 729 words.

This motion complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E), 32(a)(5), and Fed. R. App. P. 32(a)(6) because it uses size 14, proportionately spaced typeface (Times New Roman) throughout.

/s/ Jonathan F. Mitchell
Jonathan F. Mitchell

CERTIFICATE OF SERVICE

I certify that on May 26, 2026, this document was electronically filed with the clerk of the court for the U.S. Court of Appeals for the Fifth Circuit and served through CM/ECF upon all counsel of record in this case.

/s/ Jonathan F. Mitchell
Jonathan F. Mitchell