Case No. 26-10012

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

In the Matter of: Highland Capital Management, L.P.,

Debtor

Dugaboy Investment Trust,

Appellant

v.

Highland Capital Management, L.P. and Highland Claimant Trust,

Appellees

Appeal from the United States District Court
Northern District of Texas
No. 3:25-cv-02579-B

# OPPOSITION TO APPELLANT'S THIRD REQUEST FOR AN EXTENSION OF TIME

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Appellees Highland Capital Management LP and the Highland Claimant Trust (together, "**Highland**") oppose the motion [Doc 52] by Appellant The Dugaboy Investment Trust ("**Dugaboy**") for yet another extension of time to file its opening brief in this meritless appeal.[1]

No "extraordinary" circumstances exist warranting a third extension of time. ***First***, Jonathan Mitchell, counsel to Dugaboy, had *no* involvement in the recent matter before the Bankruptcy Court. ***Second***, Dugaboy and its counsel knew on May 12, 2026 that the trial would be continued for one day, on May 21, 2026, yet waited until the last second to seek a further extension of time. ***Third***, Dugaboy has already received two extensions totaling 60 days, moving the deadline for the filing for the opening brief from March 24 to May 26.[2] ***Finally***, Dugaboy's counsel did not ask Highland for an extension of time until today, May 26, at 1:36 pm Central Time—and even then failed to provide any reason whatsoever for this third request for an extension of time.

This is an abuse of process.

[1] Highland incorporates by reference as if fully set forth herein its prior *Opposition to Request for Level 2 Extension*. Doc. 49.

[2] See Docs. 36, 39, 43, and 48.

This Court should deny Dugaboy's latest, unwarranted request for yet another extension and allow these parties to get on with briefing this frivolous appeal.

May 26, 2026

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## CERTIFICATE OF COMPLIANCE WITH FRAP 27(d)(2)(A)

1. This document complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, including footnotes and excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), this document contains 225 words.

2. This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced serif typeface (Century Schoolbook) at 14-point type (12-point for footnotes).

*/s/ Melissa S. Hayward*
Melissa S. Hayward

## CERTIFICATE OF SERVICE

I certify that, on May 26, 2026, a copy of the foregoing brief was served electronically on all parties registered to receive electronic notice in this case via the Court's CM/ECF system.

*/s/ Melissa S. Hayward*
Melissa S. Hayward