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

OPPOSED MOTION FOR LEVEL 2 EXTENSION OF TIME TO FILE APPELLEES' BRIEF

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Appellees Highland Capital Management LP and the Highland Claimant Trust (together, "**Highland**") respectfully move this Court for a 30-day extension of time to file their appellee brief. Under this Court's Rule 31.4.3.2, this is a Level 2 extension request that, if granted, would extend Highland's deadline to file its brief from August 3, 2026 to September 2, 2026.

This is Highland's second request for an extension, having received an initial Level 1 extension of 30 days on June 16, 2026 [Doc 83]. Highland seeks the additional extension because its lead trial counsel is now scheduled to (a) argue before this Court on August 3, 2026 (the same day Highland's opposition brief in this appeal is currently due) in connection with another appeal by an entity controlled by James Dondero, Highland's co-founder and former President and persistent antagonist (*see* Case No. 25-11185, Doc 54), and (b) fly to Houston, Texas immediately after argument to represent a debtor in what is expected to be a contested sale hearing on August 4, 2026 (*See In re GoldenPeaks Poland Holding Limited*, Case No. 26-90564 (ARP) (Bankr. S.D. Tex.)). Obviously, counsel needs time to prepare for both matters.

Pursuant to the Certificate of Conference set forth below, it is presumed that The Dugaboy Investment Trust ("**Dugaboy**") opposes this requested extension despite having received three extensions of time to file its opening

brief: a 30-day extension granted on March 12, 2026; another 30-day extension granted on April 20, 2026; and extraordinary relief on June 2, 2026, permitting Dugaboy to file its opening brief several days after it failed to meet the filing deadline resulting from the Court's denying Dugaboy's *third* Level 2 extension request made on May 26, 2026 [Docs 53, 57].

Given the considerable leniency Dugaboy has received from this Court and the multiple extensions it has received, Dugaboy's opposition is misguided. Dugaboy cannot credibly contend that it would be prejudiced by Highland's requested extension.

Highland respectfully requests that this motion be granted and that its time to file its brief be extended from August 3, 2026 to September 2, 2026.

July 21, 2026

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on July 20, 2026, John A. Morris, counsel for Highland, corresponded with Jonathan Mitchell and Michael Edney, counsel for Dugaboy, regarding the relief requested in the foregoing Motion. Dugaboy's counsel did not respond to Mr. Morris' inquiry; accordingly, it is presumed that Dugaboy is **OPPOSED** to the relief requested in the Motion.

/s/ Zachery Z. Annable
Zachery Z. Annable

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 346 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/ Zachery Z. Annable
Zachery Z. Annable

CERTIFICATE OF SERVICE

I certify that, on July 21, 2026, a copy of the foregoing motion was served electronically on all parties registered to receive electronic notice in this case via the Court's CM/ECF system.

/s/ Zachery Z. Annable
Zachery Z. Annable