Docket #0060 Date Filed: 8/6/2026

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re: HIGHLAND CAPITAL MANAGEMENT, L.P., Reorganized Debtor.	Chapter 11 Case No. 19-34054-sgj11
HUNTER MOUNTAIN INVESTMENT TRUST, Plaintiff, v. JAMES D. DONDERO; SCOTT ELLINGTON; ISAAC LEVENTON; GRANT JAMES SCOTT III; STRAND ADVISORS, INC.; NEXPOINT ADVISORS, L.P.; HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.; DUGABOY INVESTMENT TRUST AND NANCY DONDERO, AS TRUSTEE OF DUGABOY INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD., Defendants.	Adv. Pro. No. 21-03076-sgj **Civil Action No. 3:22-CV-203-S** *Consolidated with:* Case No. 3:22-CV-229 Case No. 3:22-CV-253 Case No. 3:22-CV-367 Case No. 3:22-CV-369 Case No. 3:22-CV-370 **PLAINTIFF'S MOTION FOR ENTRY OF SCHEDULING ORDER**

Plaintiff Hunter Mountain Investment Trust ("HMIT") files this Motion for Entry of Scheduling Order ("Motion"), and would show as follows:

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I. INTRODUCTION

1. This Motion is opposed by Defendants James D. Dondero, Scott Ellington, Isaac Leventon, Strand Advisors, Inc., NexPoint Advisors, L.P., Highland Capital Management Fund Advisors, L.P., Dugaboy Investment Trust, and the Get Good Trust (collectively, "Defendants").

2. Pursuant to HMIT's earlier *Motion to Reopen Case and Request for Status Conference* [Doc. 32], this Court conducted a status conference on May 6, 2026 ("Status Conference"). The Court instructed HMIT at that time to file an amended complaint within two weeks following a ruling on Dugaboy's *Motion for Relief from Order and Motion to Vacate* [Bk. Doc. 4513][1] ("Motion to Vacate"). *See Transcript of Status Conference Proceedings Held on May 6, 2026* [Doc. 47] ("Transcript"), 54:3-15. The Court also requested that the parties confer and submit, within the same two-week timeframe, a new proposed scheduling order[2] and an agreed order withdrawing the reference of this case from the Bankruptcy Court. *See* Transcript, 55:9-56:17.

3. The Court then entered a stay pending a ruling on the Motion to Vacate [*Order*, Doc. 44], and granted an extension to file the documents discussed during the Status Conference until two weeks after the stay was lifted [*Order*, Doc. 50]. A ruling was

[1] "Bk. Doc." refers the docket in Chapter 11 Case No. 19-34054-sgj11, *In re: Highland Capital Management, L.P.* ("Bankruptcy Case"); "Adv. Doc." refers to the docket in Adv. Pro. No. 21-03076-sgj ("Adversary Proceeding").

[2] Or alternative proposed orders if an agreement could not be reached.

subsequently issued on the Motion to Vacate, but Dugaboy sought a rehearing. The Court ultimately lifted the stay on July 15, 2026 [*Order*, Doc. 53]. The Court subsequently entered an order that allowed the parties to submit their proposed scheduling orders on or before August 6, 2026 [Doc. 57].

4. Counsel for the parties conferred both before and after the stay was lifted, and were able to reach agreements regarding: (1) the proposed order withdrawing the reference [Doc. 58]; and (2) a proposed briefing schedule in connection with any Rule 12(b) motions Defendants may file. However, the parties have a fundamental disagreement concerning the time required to effectively prepare this case for trial following resolution of any Rule 12(b) motions.

5. By this Motion, HMIT seeks a schedule whereby the parties effectively prepare for trial within 14 months following the disposition of any Rule 12(b) motions. This case was filed over five (5) years ago, and substantial document discovery already has taken place. HMIT also acquired the causes of action in this lawsuit by virtue of an assignment that was approved by an order of the United States Bankruptcy Court in June 2025, more than one year ago ("Settlement Order") [Bk. Doc. 4297]. But HMIT has been prevented from prosecuting these claims by virtue of various delay tactics pursued by the Defendants as set forth in earlier briefing in this Court. The Defendants now appear to be requesting a far more protracted timeline ignoring the previous delays and substantial discovery that has already occurred. It is Plaintiff's understanding that

Defendants will be submitting a Scheduling Order that allows more than two years (26 months) of pretrial development following the Court's ruling on any Rule 12(b) motions. The Defendants are proposing an unnecessary delay of the trial setting.

6. Plaintiff's proposed Scheduling Order is attached as **Exhibit 1**. Plaintiff submits that its proposed Scheduling Order presents a reasonable timetable for all parties to protect their respective interests in these proceedings.

7. Meanwhile, Defendants' (or their related entities) continue a crusade of collateral attacks on the Settlement Order approving the assignment of these claims to HMIT. Defendants have also undertaken litigation in other forums seeking to frustrate the prosecution of this case.

8. The need for a tight schedule is now paramount to keep this case on track and enable the Court to maintain an efficient docket. Accordingly, HMIT respectfully requests the Court enter the proposed scheduling order attached as **Exhibit 1**, which provides for trial no later than March 2028, or approximately 14 months following a ruling on Defendants' Rule 12(b) motions.

For the foregoing reasons, Plaintiff Hunter Mountain Investment Trust respectfully requests the Court grant this Motion, set trial for no later than March 2028, enter the proposed scheduling order attached as **Exhibit 1**, and grant HMIT all such other and further relief to which it may be entitled.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF
HUNTER MOUNTAIN INVESTMENT TRUST

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on August 6, 2026, in compliance with the Federal Rules of Civil Procedure.

/s/ Ian B. Salzer
Ian B. Salzer

CERTIFICATE OF CONFERENCE

I certify that a copy of HMIT's proposed scheduling order was provided to counsel for the Defendants on Monday, July 27, 2026, and again on August 6, 2026, and counsel for Defendants indicated that they were opposed to the relief requested in this Motion.

/s/ Ian B. Salzer
Ian B. Salzer

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EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
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PROPOSED SCHEDULING ORDER

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure ("FRCP"), the Local Civil Rules of the United States District Court for the Northern District of Texas ("LR"), and the Civil Justice Expense and Delay Reduction Plan of the United States District Court for the Northern District of Texas, the Court **ORDERS** as follows:

1. This case is set for **JURY** trial on the Court's three-week docket beginning **the Monday following the expiration of 14 Months after the Court rules on Defendants' Consolidated Rule 12 Motion** ("Trial Setting"). Trial may commence any time during this three-week docket. If the case is not reached at this setting, it will be reset after considering input from the parties. Reset or continuance of the Trial Setting does not alter the deadlines in this Order unless expressly provided by court order.

2. The parties shall mediate this case before **Hon. Harlin Hale (Ret.)** ("Mediator") at least 90 days before the Trial Setting. The parties may not eliminate this requirement or substitute the Mediator except by leave of court. All parties must attend the mediation in person or by videoconference, as directed by the Mediator. Legal entities must provide a representative with full authority. If there is insurance involved, a representative with full authority must attend. The Mediator shall contact the Court directly if this deadline needs to be extended or if other requirements need to be altered.

3. The parties may, by written agreement, alter the following deadlines without the need for court order:

Event	Deadline
Deadline to File Amended Complaint	August 5, 2026
Deadline to File Consolidated Rule 12 Motion	September 16, 2026
Deadline to Respond to Rule 12 Motion	October 28, 2026

Event	Deadline
Deadline to File Reply in Support of Rule 12 Motion	November 18, 2026
Substantial Completion of Fact Document Discovery	30 Days After Ruling on Rule 12 Motion
Completion of Fact Depositions[1]	120 Days After Substantial Completion of Fact Discovery
Deadline to Disclose Experts and Exchange Reports for Parties with the Burden of Proof	30 Days After Completion of Fact Depositions
Deadline to Disclose Opposing Experts and Exchange Reports	30 Days After Disclosure of Affirmative Experts
Deadline to Disclose Rebuttal Experts and Exchange Reports	15 Days After Disclosure of Opposing Experts
Discovery Closes; discovery requests must be commenced in time to permit response by this date.	30 Days After Disclosure of Rebuttal Experts

4. All dispositive motions, including any objections to expert testimony, must be filed no later than **30 Days after discovery closes**. Parties may not alter this deadline by agreement.

5. A motion or objection to the taking of a deposition that is filed within five business days of the notice has the effect of staying the deposition pending court order on the motion or objection; otherwise, the deposition will not be stayed except by court order.

[1] Discovery will not commence until after the Court has resolved all pending motions to dismiss. However, this is without prejudice to the right of any party to seek leave of court to conduct earlier discovery.

6. The parties shall file all pretrial materials 21 days before the Trial Setting. Failure to timely file pretrial materials may result in dismissal for want of prosecution. Pretrial materials shall include the following:

a. Pretrial order pursuant to LR 16.4;

b. Exhibit lists, witness lists, and deposition designations pursuant to LR 26.2 and FRCP 26(a)(3). Witness lists should include a brief summary of the substance of anticipated testimony (not just a designation of subject area) and the likelihood of testimony at trial. Exhibit lists must include any materials to be shown to the jury, including demonstrative aids;

c. Proposed jury charge or proposed findings of fact and conclusions of law. Such documents shall be both e-filed and emailed in "Word" format to Scholer_Orders@txnd.uscourts.gov. Any objections to the proposed jury charge shall be filed no later than five days before the final pretrial conference. Objections not so disclosed are waived unless excused by the Court for good cause;

d. Motions in limine;

e. Requested voir dire questions.

7. The pretrial conference shall be held **7 Days before Trial, at 1:30 p.m.** Lead counsel must attend. The parties shall be prepared to address all exhibits, witnesses, deposition excerpts, motions in limine, trial briefs, requested voir dire questions, and any objections to such filings. The Court expects the parties to have conferred and to reach agreement where possible prior to the final pretrial conference.

8. Continuance of the Trial Setting, dispositive motions deadline, and/or the final pretrial conference requires leave of court with a showing of good cause. Motions may become moot due to trial if filed after the deadlines in this Order.

SO ORDERED.

SIGNED _____, 2026.

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KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE