Docket #0028 Date Filed: 9/8/2026

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE NORTHERN DISTRICT OF TEXAS**

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| THE DUGABOY INVESTMENT TRUST,<br><br>Appellant,<br><br>v.<br><br>HIGHLAND CAPITAL MANAGEMENT, L.P. et al.,<br><br>Appellees. | Case No. 3:26-cv-02315-X |

**APPELLANT THE DUGABOY INVESTMENT TRUST'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OPENING APPELLATE BRIEF**

Appellant The Dugaboy Investment Trust ("Dugaboy"), by and through its undersigned counsel, hereby requests the Court to grant an unopposed extension of time to file Dugaboy's opening appellate brief in the above-captioned action, and respectfully states the following in support of the request:

1. On June 15, 2026, the Northern District of Texas Bankruptcy Court issued its Denial Order, denying Dugaboy's motion to vacate approval of a bankruptcy settlement pursuant to Federal Rule of Civil Procedure 60(b). *See In re Highland Capital Management L.P.*, Case No. 19-34054-sgj (N.D. Tex. Br.) at Dkt. 4678.

2. On June 29, 2026, Dugaboy filed a notice of appeal concurrently with a motion pursuant to Federal Rule of Civil Procedure 59(e), asking the court to alter

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or amend its judgment. *See id.* at Dkt. 4684.

3. Simultaneously with the bankruptcy court denying Dugaboy's Rule 59(e) motion on July 10, 2026, *id.* at Dkt. 4689, Dugaboy's notice of appeal of the Denial Order became effective on July 13, 2026. Fed. R. Bankr. P. 8002(b)(2); *see also* Dkt No. 1. Dugaboy then appealed the denial of the Rule 59 motion to alter and amend, and that appeal has been docketed before Judge Fitzwater of this Court. *See* 3:26-cv-02496-D.

4. The record was forwarded to this Court on August 18, 2026, starting a 30-day time period for filing the opening brief. Dkt. No. 19. The clerk of the bankruptcy court has not compiled the record of the appeal of the denial of the motion to alter or amend pending before Judge Fitzwater.

5. Dugaboy's current deadline to file its opening brief in the appeal of the Rule 60(b) order is September 17, 2026.

6. Good cause exists to grant Dugaboy's request for an extension of time. Counsel for Dugaboy is in the process of compiling its opening brief with the benefit of the record, arising from several days of hearings before the bankruptcy court. Counsel respectfully submits that the additional time will permit them to put together better briefing while attending to counsel's other professional commitments before the federal courts.

7. Counsel for Dugaboy conferred with Highland's counsel, who

graciously confirmed that he does not oppose the requested extension.

8. Dugaboy is also likely to ask this Court to consolidate into this case the closely related appeal of the denial of the motion to alter or amend the Rule 60(b) order, which stands as a separate appeal only because the bankruptcy rules made Dugaboy's notice of appeal effective immediately upon denial of the motion to alter or amend. Both appeals stand on the same evidentiary record. The requested extension will permit the record in that other appeal to be transmitted to the district court, and for this Court to consider consolidation, prior to the filing of the opening brief.

9. This is Dugaboy's first request for an extension of time to file its opening appellate brief in the above-captioned matter. This request is made in good faith and not for the purposes of delay, and the extension will not prejudice any party.

10. For the foregoing reasons, Dugaboy respectfully requests that this Court issue an order extending the time for Dugaboy to file its opening appellate brief in the above-captioned action by 14 days, until and including October 1, 2026.

Dated: September 8, 2026

Respectfully submitted,

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***Counsel for The Dugaboy Investment Trust***

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 4, 2026, a true and correct copy of this document was served electronically via the Court's CM/ECF system to the parties registered or otherwise entitled to receive electronic notices in this case.

/s/ *Michael J. Edney*
Michael J. Edney

## CERTIFICATE OF COMPLIANCE

1. This document complies with the word limit of Fed. R. Bankr. P. 8013(f)(3)(A) because, excluding the portions excluded by Fed. R. Bankr. P. 8015(g), this document contains 542 words.

2. This document complies with the typeface requirements of Fed. R. Bankr. P. 8015(a)(5) and the type-style requirements of Fed. R. Bankr. P. 8015(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word, typeface Times New Roman, 14-point type (12-point type of footnotes).

/s/ *Michael J. Edney*
Michael J. Edney

**CERTIFICATE OF CONFERENCE**

I hereby certify that, on September 1, 2026, Michael J. Edney, lead counsel for The Dugaboy Investment Trust, contacted John A. Morris, counsel for Highland Capital Management, L.P. regarding the substance of this Motion for Extension of Time. On September 4, 2026, Mr. Morris graciously confirmed that Highland Capital Management, L.P. does not oppose the request for the extension of time.

/s/ *Michael J. Edney*
Michael J. Edney

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**[PROPOSED] ORDER GRANTING APPELLANT THE DUGABOY INVESTMENT TRUST'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OPENING APPELLATE BRIEF**

The Court has considered Appellant The Dugaboy Investment Trust's ("Appellant" or "Dugaboy") Unopposed Motion for Extension of Time to File Opening Appellate Brief (the "Motion"). Having considered the Motion and applicable law, this Court is of the opinion that the Motion should be **GRANTED**.

It is therefore **ORDERED** that Appellant The Dugaboy Investment Trust's time to file its opening brief in the appeal of the denial of its Rule 60(b) motion be extended by 14 days, until and including October 1, 2026.

It is so **ORDERED**.

Signed on this ___ day of _____, 2026.

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Hon. Judge Brantley Starr
United States District Judge
Northern District of Texas