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The Honorable Ed Kinkeade
United States District Judge
Northern District of Texas
Earle Cabell Federal Building
and U.S. Courthouse
1100 Commerce St, Room 1625
Dallas, TX 75242

Re: **The Dugaboy Investment Trust et al. v. Highland Capital Management, L.P. et al., Case No. 3:25-cv-01876-K (Supplemental authority submitted under Bankruptcy Rule 8014)**

Dear Judge Kinkeade:

Appellees Highland Capital Management, L.P. and Highland Claimant Trust ("Appellees") write regarding a filing by Appellant The Dugaboy Investment Trust ("Appellant") in another matter that directly bears on a pending motion before this Court. This is an appeal (the "Appeal") of a Bankruptcy Court order approving a settlement under Bankruptcy Code § 363 and Bankruptcy Rule 9019. As the Court is aware, the Appeal is subject to Appellees' fully briefed and pending motion (pursuant to Fed. R. Bankr. P. 8003(b)(2) and Fed. R. Civ. P. 42) to consolidate before this Court four related appeals arising from the 9019 Settlement (the "Consolidation Motion"). *See* Doc. 72.

Appellant opposed the Consolidation Motion, although its opposition failed even to address the standard for consolidation under Fed. R. Civ. P. 42. Nonetheless, last week, Appellant filed an unopposed motion for an extension of time in the Fifth Circuit, in which it justified the request by essentially conceding that these Appeals meet the criteria for consolidation:

> Counsel for Appellants [sic] are concurrently handling multiple district court appeals from [the Highland

> bankruptcy case], including *In re Highland Capital Mgmt., L.P.*, No. 3:25-cv-01876-K; *In re Highland Capital Mgmt., L.P.*, No. 3:25-cv-02072-S; *In re Highland Capital Mgmt., L.P.*, No. 3:25-02724-L; *In re Highland Capital Mgmt., L.P.*, No. 3:26-cv-02315-X, and *In re Highland Capital Mgmt., L.P.*, No. 3:26-cv-02496-D. ***Those matters involve overlapping legal, factual, and procedural issues and require substantial coordination to ensure that arguments are presented accurately and consistently across the several proceedings***.

Appellant's Unopposed Motion for Level I Extension on Reply Brief at 2-3, No. 26-10012 (5th Cir. Sept. 16, 2026), ECF No. 101 (a copy of which is annexed as **Exhibit A**); *see, e.g.*, Fed. R. Civ. P. 42(a) (authorizing consolidation where actions "involve a common question of law or fact"). Particularly given Appellant's candid admission to the Fifth Circuit, the Court should promptly grant the Consolidation Motion so that these Appeals may move forward in the ordinary course. *See* Consolidation Motion (Doc. 72) ¶¶14-18.

Respectfully submitted,

/s/ John A. Morris

John A. Morris

EXHIBIT A

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 UNOPPOSED MOTION FOR LEVEL 1 EXTENSION ON REPLY 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

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ATTORNEYS FOR APPELLANT
THE DUGABOY INVESTMENT TRUST

Pursuant to Federal Rule of Appellate Procedure 26(b) and Fifth Circuit Rules 27 and 31.4, Appellant The Dugaboy Investment Trust ("Dugaboy") respectfully files this unopposed Motion for a Level 1 extension of seven (7) days on the deadline to file its Reply Brief in the above-captioned matter. Appellees Highland Capital Management, L.P. and the Highland Claimant Trust ("Highland") do not oppose Dugaboy's requested extension.

Dugaboy's Reply Brief is currently due on September 23, 2026, which is 21 days after the September 2, 2026, service of the Appellee's Brief pursuant to Federal Rule of Appellate Procedure 31(a)(1). Dugaboy seeks a modest extension of seven (7) days up through October 1, 2026. This is Dugaboy's first request to extend the deadline for its Reply Brief. Because the requested extension of seven (7) days will fall within considerably less than 30 days from the original deadline, the Court should treat this Motion as a Level 1 extension request. *See* Fifth Circuit Rule 31.4.3.1.

Good cause exists for the requested extension. This appeal is one of several related appeals arising from the same underlying bankruptcy proceeding. *See In re Highland Capital Mgmt., L.P.*, U.S. Bankruptcy Court for the Northern District of Texas, Case No. 19-34054-sgj-11. Counsel for Appellants are concurrently handling multiple district court appeals from that proceeding, including *In re Highland Capital Mgmt., L.P.*, No. 3:25-cv-01876-K; *In re Highland Capital Mgmt., L.P.*, No.

3:25-cv-02072-S; *In re Highland Capital Mgmt., L.P.*, No. 3:25-02724-L; *In re Highland Capital Mgmt., L.P.*, No. 3:26-cv-02315-X, and *In re Highland Capital Mgmt., L.P.*, No. 3:26-cv-02496-D.[1] Those matters involve overlapping legal, factual, and procedural issues and require substantial coordination to ensure that arguments are presented accurately and consistently across the several proceedings.

In two of these appeals, counsel are due to file opening briefs on the merits in the upcoming weeks (October 1, 2026, in No. 2315-X, and October 8, 2026, in No. 2496-D). Counsel are also actively litigating contested motions across several proceedings, including two competing motions for consolidation that potentially affect four different appeals. *See* No. 1876-K, Dkt. 72 (Highland's Motion to Consolidate the 2072-S, 2315-X, and 2496-D appeals into the 1876-K proceeding); No. 2315-X, Dkt. 33 (Dugaboy's Motion to Consolidate the 2496-D appeal with the 2315-X appeal).

Given the number of related appellate proceedings simultaneously pending and the complexity of the issues presented, a modest and limited period of additional time is necessary to complete Dugaboy's Reply Brief. The requested extension will allow counsel to prepare a thorough and complete submission and will promote the orderly and efficient presentation of issues that overlap with the other Highland

[1] For ease of reference, Dugaboy will refer to these appellate proceedings by the last four digits and judge's initial of the case number (*e.g.*, "1876-K"; "2315-X).

appeals. This request is made in good faith, not for purposes of delay, and granting the requested extension will not unduly prejudice any party.

For the reasons set forth above, Dugaboy respectfully asks the Court to extend its Reply Brief deadline from September 23, 2026, to October 1, 2026.

Dated: September 16, 2026

Respectfully submitted,

KING & SPALDING LLP

By: */s/ Geoffrey S. Harper*

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on September 15, 2026, John Michael Gaddis, counsel for The Dugaboy Investment Trust, emailed John A. Morris, counsel for Highland Capital Management, L.P. regarding the foregoing Motion for Level 1 Extension. On September 16, 2026, Mr. Morris responded and stated that Highland Capital Management, L.P. is unopposed to the relief sought herein.

/s/ Geoffrey S. Harper
Geoffrey S. Harper

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 16, 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/ Geoffrey S. Harper
Geoffrey S. Harper

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 505 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/ Geoffrey S. Harper
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