IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE DUGABOY INVESTMENT TRUST, Appellant, v. HIGHLAND CAPITAL MANAGEMENT, L.P., et al., Appellees.	Case No. 3:26-cv-02315-X (Judge Starr) Bankruptcy Court Case No. 19-34054-sgj11

THE DUGABOY INVESTMENT TRUST'S OPPOSED MOTION TO EXTEND DEADLINES FOR APPELLANT'S OPENING BRIEF

Appellant The Dugaboy Investment Trust ("Dugaboy") respectfully requests that the Court grant an opposed extension of time to file its opening appellate brief in the above-captioned matter, pending the disposition of Dugaboy's request for certification for direct review in the Fifth Circuit.

1. On June 15, 2026, the Northern District of Texas Bankruptcy Court denied Dugaboy's motion to vacate its approval of a bankruptcy settlement pursuant to Federal Rule of Civil Procedure 60(b). *See In re Highland Capital Mgmt., L.P.*, Bankr. N.D. Tex. Case No. 19-34054-sgj11 at Dkt. 4678.

2. On June 29, 2026, Dugaboy filed its notice of appeal concurrently with a motion pursuant to Federal Rule of Civil Procedure 59(e), asking the bankruptcy court to alter or amend its judgment. Dkt. 4684.

3. Following the denial of Dugaboy's Rule 59(e) reconsideration motion on July 10, 2026, Dkt. 4689, Dugaboy's appeal from the bankruptcy court's denial of its Rule 60(b) motion became effective on July 13, 2026. Fed. R. Bankr. P. 8002(b)(2); *see* Dkt. 1.

4. On August 14, 2026, Dugaboy filed a motion seeking to certify this appeal for a direct appeal to the Fifth Circuit. Dkt. 14; *see* 28 U.S.C. § 158(d)(2). That motion is now fully briefed and pending before this Court. *See* Dkt. 25 (Highland response), Dkt. 27 (Dugaboy reply).

5. The record was forwarded to this Court on August 18, 2026, starting a thirty-day clock for filing the opening brief and making the original deadline September 17, 2026. Dkt. 19; Fed. R. Bankr. P. 8018(a)(1).

6. On September 8, 2026, Dugaboy filed an unopposed motion to extend its opening brief deadline to October 1, 2026. Dkt. 28. On September 9, 2026, the Court granted the requested extension. Dkt. 30.

7. As a result of that extension, Dugaboy's opening brief is now due October 1, 2026.

8. Dugaboy respectfully requests that the Court extend its opening-brief deadline to a date **one week after the certification motion is resolved**. Alternatively, if the Court does not wish to tie this deadline to the certification motion, Dugaboy respectfully requests an extension of two weeks (14 days) from

the current October 1 deadline, making the new deadline **Thursday, October 15, 2026**.

9. Good cause exists for this extension. If a direct appeal is certified and authorized by the Fifth Circuit, the need for any district-court briefing will be obviated. For that reason, it would be wasteful of the parties' time and resources to prepare their appellate briefing in the District Court before knowing whether certification and authorization of a direct appeal will nullify their district-court briefing.

10. Good cause also exists because new counsel (Mr. Burrage, Mr. Mazzara, and Mr. Tarasov) have joined Dugaboy's legal team and require some extra time to review the voluminous filings and appellate record in order to get up to speed in this matter.

11. Finally, good cause also exists because Dugaboy's counsel are dealing with multiple briefing deadlines in other Highland-related cases, including the reply brief due on October 1, 2026, in the appeal from the denial of a motion to recuse the predecessor bankruptcy judge in Fifth Circuit Case No. 26-10012, as well as the opening appellate brief for the Rule 59(e) appeal currently due on October 8, 2026, pending in the District Court before Judge Fitzwater in Case No. 3:26-cv-02496-D.

12. This is Dugaboy's second request for 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 purpose of delay, and the extension will not prejudice any party.

13. Appellee Highland Capital Management, L.P. ("Highland") has informed Dugaboy that it opposes this Motion, but by the time of filing has not yet conveyed a position on the requested alternative relief of a two-week extension from the existing due date.

For the reasons set forth above, Dugaboy respectfully asks this Court to grant the requested extension and set the due date for Dugaboy's opening brief to one week after the disposition of the certification motion (*see* Dkt. 14), or alternatively that it set the briefing deadline for October 15, 2026. *See* Dkt. 14.

Dated: September 28, 2026

Respectfully submitted,

WHITTEN BURRAGE

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Counsel for Appellant The Dugaboy Investment Trust

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on September 28, 2026, he emailed counsel for Highland Capital Management, L.P., regarding the substance of the foregoing Motion for Extension, and that on the same date, Highland counsel Mark Stancil responded and stated that Highland Capital Management, L.P. is opposed to the relief sought herein. The undersigned followed up to ask Highland's position on Dugaboy's proposed alternative relief but did not receive a response by the time of this filing.

/s/ *John Michael Gaddis*
John Michael Gaddis

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 28, 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/ *John Michael Gaddis*
John Michael Gaddis

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 **685** 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/ *John Michael Gaddis*
John Michael Gaddis

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THE DUGABOY INVESTMENT TRUST, Appellant, v. HIGHLAND CAPITAL MANAGEMENT, L.P., et al., Appellees.	Civil Action No. 3:26-cv-02315-X

[PROPOSED] ORDER

Dugaboy's motion for extension of its opening appellate brief deadline in the above-captioned matter is GRANTED. The Court extends Dugaboy's opening brief deadline to a date one week (7 days) after the disposition of Dugaboy's Motion to Certify Pending Appeal to the Fifth Circuit (Dkt. 14).

SO ORDERED.

Dated: _____

_____
THE HONORABLE BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

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[PROPOSED] ORDER

Dugaboy's motion for extension of its opening appellate brief deadline in the above-captioned matter is GRANTED. The Court extends Dugaboy's opening brief deadline to October 15, 2026.

SO ORDERED.

Dated: _____

_____
THE HONORABLE BRANTLEY STARR
UNITED STATES DISTRICT JUDGE