Docket #0087 Date Filed: 10/5/2026

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

In re: HIGHLAND CAPITAL MANAGEMENT, L.P., Reorganized Debtor.	Chapter 11 Case No. 19-34054-sgj11
THE DUGABOY INVESTMENT TRUST, Appellant, v. HIGHLAND CLAIMANT TRUST, Appellee.	On Appeal to the U.S. District Court for the Northern District of Texas **Case No. 3:25-cv-01876-K**

APPELLANT DUGABOY'S NOTICE REGARDING ORDER REJECTING CONSOLIDATION IN CASE NO. 3:25-CV-02072-S

1934054261005000000000005

Appellant the Dugaboy Investment Trust respectfully notifies the Court of an order entered on October 2, 2026, by Judge Scholer in a case that the Highland Appellees are seeking to consolidate into this one, Case No. 3:25-cv-02072-S, Dkt. 28, attached here as Appendix A. *See* Dkt. 72 (seeking consolidation of four separate appeals, from orders spanning more than a year and addressing different evidentiary records, into this appeal).

Oddly, Highland filed a live motion to consolidate the cases in each of the four courts, even though only this one has authority over the issue as the first filed court. *See* 2072-S case, Dkt. 19; 2315-X case, Dkt. 26; 2496-D case, Dkt. 16; *see also Cadle Co. v. Whataburger of Alice*, 174 F.3d 599, 603 (5th Cir. 1999) (explaining first-to-file rule). Judge Scholer pointed out this irregularity and denied the motion for that reason. Appendix A at 1 ("[T]his Court does not have the power to grant the relief sought by Appellees.").

Judge Scholer also addressed the lack of merit in Highland's motion, noting that this Court has already denied a prior request to consolidate the appeal pending before Judge Scholer with the appeal pending before this Court. *See id*. at 1–2; *see also* Dkt. 48. Judge Scholer is right. Highland is attempting to relitigate a consolidation effort that this Court long ago rejected, and indeed an effort that Highland itself opposed at the time. *See* Dkt. 43. And Judge Scholer has indicated her plans to have the appeal pending before her Court move forward in her Court,

setting a briefing schedule commencing at the end of this month. Appendix A at 2. This Court should follow Judge Scholer's reasoning and decline to override Judge Scholer's plans. And it should reject Highland's consolidation motion in its entirety.

Dated: October 5, 2026

Respectfully submitted,

KING & SPALDING LLP

By: /s/ *Geoffrey S. Harper*

Geoffrey S. Harper
Texas Bar No. 00795408
gharper@kslaw.com
John Michael Gaddis
Texas Bar No. 24069747
mgaddis@kslaw.com
2601 Olive Street, Suite 2300
Dallas, TX 75201
(214) 764-4600

Michael J. Edney
D.C. Bar No. 492024
michael.edney@morganlewis.com
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
T. (202) 739-3000
F. (202) 739-3001

Avery Joseph Welker
Texas Bar No. 24137706
avery.welker@morganlewis.com
1000 Louisiana Street, Suite 4000
Houston, TX 77002
Tel.: (713) 890-5000
Fax: (713) 890-5001

Counsel for Appellant The Dugaboy Investment Trust

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 5, 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)(C) because, excluding the portions excluded by Fed. R. Bankr. P. 8015(g), this document contains **297** 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*
Geoffrey S. Harper

APPENDIX A

United States District Court

NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE DUGABOY INVESTMENT TRUST v. HIGHLAND CAPITAL MANAGEMENT, L.P., et al.	§ § § § § § § § §	CIVIL ACTION NO. 3:25-CV-2072-S
IN RE: HIGHLAND CAPITAL MANAGEMENT, L.P.	§ § § §	BANKRUPTCY CASE NO. 19-34054-SGJ11

ORDER

Before the Court is Appellees Highland Capital Management, L.P., and the Highland Claimant Trust's Motion to Consolidate Bankruptcy Appeals ("Motion") [ECF No. 19]. For the following reasons, the Court **DENIES** the Motion.

First, this Court does not have the power to grant the relief sought by Appellees. Appellees seek consolidation of this and two other appeals into a lead case, *The Dugaboy Investment Trust v. Highland Capital Management, L.P.*, No. 3:25-CV-1876-K (N.D. Tex.) ("Rule 9019 Appeal"). This Court is not presiding over the Rule 9019 Appeal and has not accepted transfer of any of the other appeals; therefore, the Court is unable to consolidate the appeals. As such, the Court **DENIES** the Motion because it lacks the authority to grant the relief Appellees seek.

In the alternative, to the extent the Court instead construes the Motion as a request to transfer this case to the court hearing the Rule 9019 Appeal for potential consolidation, the Court concludes that transfer is not appropriate. That court has already denied a prior request to

consolidate this case into the Rule 9019 Appeal. *See* Rule 9019 Appeal, Dkt. No. 48. The Court sees no reason to revisit that ruling. Accordingly, the Court **DENIES** the Motion in its entirety.

The Court previously stayed this case pending resolution of the consolidation issue. *See* ECF No. 18. Because that issue has now been fully decided, the Court **REOPENS** this case and sets the following briefing deadlines. Appellant's brief must be filed by **November 2, 2026**. Appellees' brief must be filed by **December 2, 2026**. Appellant's reply brief, if necessary, must be filed by **December 16, 2026**.

SO ORDERED.

SIGNED October 2, 2026.

KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE