Docket #0013 Date Filed: 10/9/2026

IN THE UNITED STATES DISTRICT COURT
FOR THE 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, **Petitioner,** **v.** **HIGHLAND CAPITAL MANAGEMENT, L.P., HIGHLAND CLAIMANT TRUST, AND JAMES P. SEERY, JR.,** **Respondent.**	**Civil Case No. 3:24-cv-01912-O**

AMENDED CONSENT MOTION TO DISMISS[1]

Petitioner Hunter Mountain Investment Trust ("Hunter Mountain") files this Consent Motion to Dismiss and would respectfully show as follows:

1. On July 25, 2024, Hunter Mountain filed a Petition for Writ of Mandamus. (Doc. 1)

2. On September 25, 2026, the Court directed the parties to file a joint status report by October 9, 2026 advising the Court as to whether this case should remain active.

[1] On October 8, 2026, Petitioner filed a pleading styled Consent Motion to Dismiss [Dkt 12], but inadvertently omitted to include the exhibit referenced therein. This Amended Consent Motion simply include the proposed order granting the Consent Motion. That order was separately Local Rules.

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(Doc. 9).

3. On October 5, 2026, Hunter Mountain filed an unopposed motion requesting a substitution of counsel (Doc. 10) pursuant to which Sawnie McEntire, Michael Marconi and the Parsons McEntire McLeary PLLC law firm would substitute in as its new counsel in lieu of Deborah Deitsch-Perez, Michael Aigen and Stinson, LLP. That unopposed motion is pending.

4. Hunter Mountain's incoming counsel has conferred with Respondents' counsel and agreement has been reached that the petition for writ of mandamus should be dismissed with prejudice and these proceedings closed.

5. Accordingly, Hunter Mountain respectfully moves this Court for the entry of an order, substantially in the form attached hereto as **Exhibit A** ("***Dismissal Order***"), dismissing the petition for a writ of mandamus with prejudice and closing these proceedings.

6. Hunter Mountain represents that counsel for all parties to this proceeding have been provided a copy of this Consent Motion and Dismissal Order and that they have confirmed their agreement to the relief sought herein.

WHEREFORE, Hunter Mountain respectfully requests the entry of the Dismissal Order, substantially in the form attached hereto as **Exhibit A**, dismissing the petition for a writ of mandamus with prejudice and closing this proceeding.

CERTIFICATE OF CONFERENCE

I hereby certify that on October 8, 2026, the undersigned conferred with all counsel of record and all parties are unopposed to the relief sought in this Motion.

/s/ Michael Marconi
Michael V. Marconi

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2026, the foregoing pleading was served on all parties of record via the Court's electronic filing system.

/s/ Sawnie A. McEntire
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EXHIBIT A
Proposed Order

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ORDER

Before the Court is the Amended Consent Motion to Dismiss ("Motion") (Doc. 13) filed by Petitioner Hunter Mountain Investment Trust on October 9, 2026. All matters in dispute in this action have been resolved by agreement of the parties. The court determines that the Motion should be, and is hereby, **GRANTED**. Accordingly, the petition for writ of mandamus is hereby dismissed with prejudice and this proceeding is closed. The parties shall bear their own costs and attorney's fees.

It is so ordered this _____ day of _____, 2026.

_____

United States District Judge