Docket #0032 Date Filed: 10/16/2026

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*as Litigation Trustee of the Highland Litigation Sub-Trust*

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

| | |
|---|---|
| In re:<br>HIGHLAND CAPITAL MANAGEMENT, L.P.<br>Reorganized Debtor. | Chapter 11<br>Case No. 19-34054-sgj11 |
| THE DUGABOY INVESTMENT TRUST,<br>Appellant,<br>v.<br>HIGHLAND CAPITAL MANAGEMENT, L.P. *et al.,*<br>Appellees. | Case No. 3:25-cv-02072-S |

**MOTION TO SUBSTITUTE COUNSEL**

The Highland Litigation Sub-Trust (the "Litigation Sub-Trust"), appellee in the above-referenced matter (the "Appeal"), files this motion (the "Motion")

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respectfully requesting that the Court enter an order, substantially in the form attached as **Exhibit A** hereto (the "Proposed Order"), permitting the Litigation Sub-Trust to substitute counsel in the Appeal. In support of the Motion, the Litigation Sub-Trust respectfully states the following:

1. The Litigation Sub-Trust was formed under the confirmed and effective *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified)* [Bankr. Docket No. 1808] in the above-captioned chapter 11 bankruptcy case of Highland Capital Management, L.P. ("Highland").

2. Mark S. Kirschner was the original litigation trustee (the "Original Trustee") of the Litigation Sub-Trust. The Original Trustee retained (i) Robert S. Loigman, Deborah J. Newman, and the law firm of Quinn Emanuel Urquhart & Sullivan LLP (together, the "Quinn Attorneys") and (ii) Paige H. Montgomery and the law firm of Sidley Austin LLP (together, the "Sidley Attorneys") to represent the Litigation Sub-Trust.

3. Highland Litigation Trustee, LLC (the "Successor Trustee") has since replaced the Original Trustee as the litigation trustee of the Litigation Sub-Trust. The Successor Trustee retained (i) Jeffrey N. Pomerantz, John A. Morris, Gregory V. Demo, Jordan A. Kroop, and the law firm of Pachulski, Stang, Ziehl & Jones LLP (together, the "Pachulski Attorneys") and (ii) Melissa S. Hayward, Zachery Z.

Annable, and the law firm of Hayward PLLC (together, the "Hayward Attorneys") to represent the Litigation Sub-Trust.

4. Through this Motion, the Litigation Sub-Trust seeks to substitute the Pachulski Attorneys and the Hayward Attorneys as its counsel of record in the Appeal. The Pachulski Attorneys and the Hayward Attorneys are already counsel of record for appellees Highland and the Highland Claimant Trust in the Appeal.

5. The Litigation Sub-Trust further requests that, upon approval of the substitution of the Pachulski Attorneys and the Hayward Attorneys as its counsel in this Appeal, the Court deem the Quinn Attorneys and the Sidley Attorneys withdrawn as counsel for the Litigation Sub-Trust in this Appeal.

6. Per the certificate of conference attached to this Motion, the Quinn Attorneys and the Sidley Attorneys are unopposed to the relief requested herein.

WHEREFORE, the Litigation Sub-Trust respectfully requests that the Court enter the Proposed Order (i) granting the Motion, (ii) substituting the Pachulski Attorneys and the Hayward Attorneys as counsel for the Litigation Sub-Trust in the Appeal, (iii) deeming the Quinn Attorneys and the Sidley Attorneys withdrawn as counsel for the Litigation Sub-Trust in the Appeal, and (iv) granting the Litigation Sub-Trust such further and additional relief as the Court deems necessary and appropriate.

Dated: October 16, 2026

**PACHULSKI STANG ZIEHL & JONES LLP**

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*Counsel for Highland Litigation Trustee, LLC, as Litigation Trustee of the Highland Litigation Sub-Trust*

## CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on October 15-16, 2026, Zachery Z. Annable, counsel for the Litigation Sub-Trust, corresponded with Robert S. Loigman of Quinn Emanuel Urquhart & Sullivan LLP and Sophie Green of Sidley Austin LLP regarding the relief requested in the foregoing Motion. Mr. Loigman indicated that the Quinn Attorneys are **UNOPPOSED** to the relief requested in the Motion. Ms. Green indicated that the Sidley Attorneys are likewise **UNOPPOSED** to the relief requested in the Motion.

*/s/ Zachery Z. Annable*
Zachery Z. Annable

## 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 433 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/ Zachery Z. Annable*
Zachery Z. Annable

**CERTIFICATE OF SERVICE**

I hereby certify that, on October 16, 2026, a true and correct copy of the foregoing document was served electronically via the Court's CM/ECF system upon all parties receiving electronic notice in this case.

*/s/ Zachery Z. Annable*
Zachery Z. Annable

# EXHIBIT A

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

| | |
|---|---|
| In re:<br>HIGHLAND CAPITAL MANAGEMENT, L.P.<br>Reorganized Debtor. | Chapter 11<br>Case No. 19-34054-sgj11 |
| THE DUGABOY INVESTMENT TRUST,<br>Appellant,<br>v.<br>HIGHLAND CAPITAL MANAGEMENT, L.P. *et al.,*<br>Appellees. | Case No. 3:25-cv-02072-S |

**ORDER GRANTING**
**MOTION TO SUBSTITUTE COUNSEL**

Upon consideration of the *Motion to Substitute Counsel* (the "Motion")[1] filed by the Highland Litigation Sub-Trust (the "Litigation Sub-Trust"), appellee in the above-referenced matter (the "Appeal"), the Court finds and concludes that the factual and legal bases set forth in the Motion establish sufficient cause for the relief granted in this Order; therefore, after due deliberation, **IT IS ORDERED, ADJUDGED, AND DECREED THAT**:

1. The Motion is **GRANTED** as set forth herein.

[1] Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Motion.

2. Effective upon the entry of this Order, (i) Jeffrey N. Pomerantz, John A. Morris, Gregory V. Demo, Jordan A. Kroop, and the law firm of Pachulski, Stang, Ziehl & Jones LLP and (ii) Melissa S. Hayward, Zachery Z. Annable, and the law firm of Hayward PLLC are substituted as counsel of record for the Litigation Sub-Trust in the Appeal.

3. Effective upon the entry of this Order, (i) Robert S. Loigman, Deborah J. Newman, and the law firm of Quinn Emanuel Urquhart & Sullivan LLP (together, the "Quinn Attorneys") and (ii) Paige H. Montgomery and the law firm of Sidley Austin LLP (together, the "Sidley Attorneys") are hereby withdrawn as counsel of record for the Litigation Sub-Trust in the Appeal.

4. The Clerk of this Court and all parties are directed to remove the Quinn Attorneys and the Sidley Attorneys as counsel of record for the Litigation Sub-Trust on the docket and any applicable service list, including the Court's CM/ECF electronic notification list, maintained in the Appeal.

**IT IS SO ORDERED** this __ day of _____, 2026.

_____
The Honorable Karen Gren Scholer
United States District Judge