Docket #0072 Date Filed: 10/21/2026

UNITED STATES DISTRICT COURT
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, Plaintiff, v. JAMES D. DONDERO; SCOTT ELLINGTON; ISAAC LEVENTON; GRANT JAMES SCOTT III; STRAND ADVISORS, INC.; NEXPOINT ADVISORS, L.P.; HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.; DUGABOY INVESTMENT TRUST AND NANCY DONDERO, AS TRUSTEE OF DUGABOY INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD., Defendants.	Adv. Pro. No. 21-03076-sgj **Civil Action No. 3:22-CV-203-S** *Consolidated with:* Case No. 3:22-CV-229 Case No. 3:22-CV-253 Case No. 3:22-CV-367 Case No. 3:22-CV-369 Case No. 3:22-CV-370

NEXPOINT DEFENDANTS' UNOPPOSED
MOTION TO SUBSTITUTE REDACTED PLEADING

Defendants NexPoint Advisors, L.P. and NexPoint Asset Management, L.P. f/k/a Highland Capital Management Fund Advisors, L.P. (together, the "NexPoint Defendants") file this Unopposed Motion to Substitute Redacted Pleading and respectfully show as follows:

I. INTRODUCTION

The NexPoint Defendants respectfully request leave to substitute the redacted version of the Unopposed Motion to Reset Status Conference, attached hereto as **Exhibit A**, for the version filed on March 11, 2026 (Dkt. No. 36) (the "Motion to Reset"), and that the Clerk be directed to

replace Dkt. No. 36 on the public docket with Exhibit A and remove the original, unredacted version from public access. Exhibit A is identical to the Motion to Reset except that it redacts a single reference to a confidential arbitration proceeding.

II. BACKGROUND

On February 10, 2026, Plaintiff filed a Motion to Reopen Case and Request for Status Conference. Dkt. No. 32. On March 4, 2026, the Court granted that motion in part, reopened the case, and set a status conference for March 18, 2026. Dkt. No. 34.

On March 11, 2026, the NexPoint Defendants and certain other Defendants filed the Motion to Reset, which asked the Court to reset the March 18 status conference because two of the moving Defendants' lead counsel had scheduling conflicts on that date. Dkt. No. 36. Plaintiff did not oppose the request. *Id*. The Court granted the Motion to Reset on March 12, 2026. Dkt. No. 37.

In describing one counsel's scheduling conflict, the Motion to Reset inadvertently included names of parties to a private arbitration proceeding that is subject to confidentiality obligations, including a protective order entered in that proceeding. The information in the caption of the arbitration was not necessary to the requested relief. The only relevant fact was that counsel had a previously scheduled multi-day trial during the dates at issue.

On October 21, 2026, counsel for a participant in the arbitration advised the undersigned that the reference disclosed confidential information about the proceeding and its participants and asked that the reference be removed from the public record. Counsel alleged that disclosure of that information could expose the arbitration participants and their families to a risk of harm. The NexPoint Defendants promptly prepared this Motion in response.

III. ARGUMENT AND AUTHORITIES

The Court has inherent authority to supervise its own records and files, including by permitting a party to substitute a corrected or redacted filing. Although the public has a common-law right of access to judicial records, that right is not absolute, and the Court may restrict access to particular information where the interests favoring nondisclosure outweigh the public's interest in access. *Le v. Exeter Fin. Corp.*, 990 F.3d 410, 418–19 (5th Cir. 2021). That balancing is conducted on a document-by-document, line-by-line basis, and any restriction must be "congruent to the need." *June Med. Servs., L.L.C. v. Phillips*, 22 F.4th 512, 521 (5th Cir. 2022).

Substitution of the redacted Motion to Reset is warranted for four reasons.

First, the redacted information concerns the confidentiality and privacy of non-parties. The arbitration participants are strangers to this litigation, the arbitration is a private proceeding governed by its own confidentiality obligations and protective order, and a participant has affirmatively requested that the reference be removed to protect the privacy and safety of the individuals involved.

Second, the public's interest in the redacted information is minimal. The Motion to Reset was a purely procedural request to continue a status conference. It was not a substantive or dispositive motion, it did not ask the Court to adjudicate any party's rights, and the Court's ruling on it did not turn on the identity of the arbitration or its participants.

Third, substitution is the narrowest available remedy. The NexPoint Defendants do not ask the Court to seal the Motion to Reset or remove it from the public docket. The redacted version removes only the arbitration caption, reference number, and party names, and leaves the remainder of the Motion to Reset, including the fact that counsel had a conflicting arbitration trial, fully public. The public will therefore retain access to everything bearing on the Court's ruling.

Fourth, no party will be prejudiced. The Motion to Reset has already been granted, the relief it sought was procedural, and substituting a redacted version will not affect any party's rights, any pending deadline, or the record of any substantive issue in this case. All parties in this consolidated action have been consulted and do not oppose the relief requested.

IV. CONCLUSION

For these reasons, the NexPoint Defendants respectfully request that the Court grant this Motion; grant leave to substitute the redacted Motion to Reset attached as Exhibit A for Dkt. No. 36; direct the Clerk to replace Dkt. No. 36 on the public docket with Exhibit A and remove the original, unredacted version from public access; and grant the NexPoint Defendants such other relief to which they may be justly entitled.

Dated: October 21, 2026

Respectfully submitted,

STINSON LLP

/s/ Deborah Deitsch-Perez
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CERTIFICATE OF CONFERENCE

I certify that on October 21, 2026, I conferred with Sawnie A. McEntire, counsel for Plaintiff, and with counsel for all other Defendants participating in this action regarding the relief requested in this Motion. All parties have advised that they do not oppose the relief requested.

/s/ Deborah Deitsch-Perez
Deborah Deitsch-Perez

CERTIFICATE OF SERVICE

I certify that on October 21, 2026, a true and correct copy of this document was served electronically via the Court's CM/ECF system.

/s/ Deborah Deitsch-Perez
Deborah Deitsch-Perez

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

In re: HIGHLAND CAPITAL MANAGEMENT, L.P., Reorganized Debtor.	Chapter 11 Case No. 19-34054-sgj11
MARC S. KIRSCHNER, AS LITIGATION TRUSTEE OF THE LITIGATION SUB-TRUST, **Plaintiff,** **v.** **JAMES D. DONDERO; SCOTT ELLINGTON; ISAAC LEVENTON; GRANT JAMES SCOTT III; STRAND ADVISORS, INC.; NEXPOINT ADVISORS, L.P.; HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.; DUGABOY INVESTMENT TRUST AND NANCY DONDERO, AS TRUSTEE OF DUGABOY INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; HUNTER MOUNTAIN INVESTMENT TRUST; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; and SAS ASSET RECOVERY, LTD.** **Defendants.**	Adv. Pro. No. 21-03076-sgj **Civil Action No. 3:22-CV-203-S** *Consolidated with:* Case No. 3:22-CV-229 Case No. 3:22-CV-253 Case No. 3:22-CV-367 Case No. 3:22-CV-369 Case No. 3:22-CV-370

DEFENDANTS' UNOPPOSED MOTION TO RESET STATUS CONFERENCE

Comes now Defendants NexPoint Advisors, L.P., NexPoint Asset Management, L.P. f/k/a Highland Capital Management Fund Advisors, L.P., James Dondero, The Dugaboy Investment Trust, Get Good Trust, Strand Advisors, Inc., Scott Ellington, and Isaac Leventon (collectively,

"Defendants") file this their Unopposed Motion to Reset Status Conference and will show as follows:

I. GROUNDS FOR MOTION

On February 10, 2026, Plaintiff Mark S. Kirschner, as Litigation Trustee of the Litigation Sub-Trust ("Plaintiff") filed a Motion to Reopen Case and Request for Status Conference ("Motion"). Dkt. No. 32.

On March 4, 2026, the Court issued an order, granting the Motion in part ("Order"). Dkt. No. 34. The Order reopened this case and set a status conference for March 18, 2026, at 11:30 a.m.

Lead counsel for several Defendants are not available on that date. Specifically, Deborah Deitsch-Perez, lead counsel for Defendants NexPoint Advisors, L.P. and NexPoint Asset Management, L.P. f/k/a Highland Capital Management Fund Advisors, L.P., has a JAMS arbitration trial scheduled in San Franscisco, California from March 16 to March 24 in [redacted] Debra Dandeneau, lead counsel for Defendants Scott Ellington and Isaac Levnton, has a business trip in Europe (where she already is) that conflicts with the March 18 status conference. Ms. Deitsch-Perez and Ms. Dandeneau are the two primary lawyers that have led the defense in this case on behalf of all the Defendants with respect to the issues currently pending (such as whether the Court continues to have jurisdiction) and have appeared at and argued at all the hearings in this matter on behalf of the Defendants. Therefore, it would be prejudicial to Defendants if Ms. Deitsch-Perez and Ms. Dandeneau cannot be present at the status conference.

Counsel for Defendants conferred with counsel for Plaintiff and counsel for Plaintiff does not oppose the continuance of the status conference. All the parties in this matter are available at any time on the following dates for a status conference: April 6, April 8, and April 10.

On March 10, 2026, Ms. Deitsch-Perez contacted the Court via email and requested that the status conference be reset on one of the above dates. In response, Tori Bliss, the Career Law Clerk to the Honorable Karen Gren Scholer, informed Ms. Deitsch-Perez that a request for a continuance must be made by motion setting forth the conflicts. As such, Defendants filed this Motion seeking the requested relief, which is unopposed by Plaintiff.

II. REQUEST FOR RELIEF

Therefore, Defendants request that the Status Conference be reset for April 6, April 8 or April 10, 2026, or on such other date as the Court may select and the parties are available.

March 11, 2026

Respectfully submitted,

STINSON LLP

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Counsel for Scott Ellington and Isaac Leventon

CERTIFICATE OF CONFERENCE

I conferred with Sawnie A. McEntire, counsel for Plaintiff, regarding the relief sought herein and he does not oppose the relief requested in this Motion.

/s/Deborah Deitsch-Perez
Deborah Deitsch-Perez

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on March 11, 2026, a true and correct copy of this document was served electronically via the court's CM/ECF system.

/s/Deborah Deitsch-Perez
Deborah Deitsch-Perez

UNITED STATES DISTRICT COURT
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, Plaintiff, v. JAMES D. DONDERO; SCOTT ELLINGTON; ISAAC LEVENTON; GRANT JAMES SCOTT III; STRAND ADVISORS, INC.; NEXPOINT ADVISORS, L.P.; HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.; DUGABOY INVESTMENT TRUST AND NANCY DONDERO, AS TRUSTEE OF DUGABOY INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD., Defendants.	Adv. Pro. No. 21-03076-sgj **Civil Action No. 3:22-CV-203-S** *Consolidated with:* Case No. 3:22-CV-229 Case No. 3:22-CV-253 Case No. 3:22-CV-367 Case No. 3:22-CV-369 Case No. 3:22-CV-370

ORDER GRANTING NEXPOINT DEFENDANTS'
UNOPPOSED MOTION TO SUBSTITUTE REDACTED PLEADING

Before the Court is the Unopposed Motion to Substitute Redacted Pleading (the "Motion") filed by Defendants NexPoint Advisors, L.P. and NexPoint Asset Management, L.P. f/k/a Highland Capital Management Fund Advisors, L.P. (together, the "NexPoint Defendants"). The Motion is unopposed. Having considered the Motion and the applicable law, the Court finds that the interests in protecting the confidentiality and privacy of the non-party participants in the separate arbitration proceeding referenced in the Unopposed Motion to Reset Status Conference

[Dkt. No. 36] outweigh the public's interest in access to that limited information. The Court therefore GRANTS the Motion.

It is therefore **ORDERED** that:

1. The NexPoint Defendants are granted leave to substitute the redacted Unopposed Motion to Reset Status Conference attached as Exhibit A to the Motion for Dkt. No. 36.

2. The Clerk of Court is DIRECTED to replace Dkt. No. 36 on the public docket with the redacted version attached as Exhibit A to the Motion and to remove the original, unredacted version of Dkt. No. 36 from public access.

SO ORDERED.

SIGNED _____, 2026.

_____
Honorable Karen Gren Scholer
United States District Court Judge