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**COUNSEL FOR
PATRICK DAUGHERTY**

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

In re:	§	
	§	CASE NO. 19-34054-SGJ-11
HIGHLAND CAPITAL MANAGEMENT,	§	
L.P	§	CHAPTER 11
	§	
Debtor.	§	

WITNESS AND EXHIBIT LIST

Patrick Hagaman Daugherty (“**Daugherty**”) a creditor and party-in-interest in the above-captioned bankruptcy case, files this Witness and Exhibit List in connection with the hearing scheduled before the Honorable Stacey G. C. Jernigan, United States Bankruptcy Judge, United States Bankruptcy Court, Earl Cabell Federal Building, 1100 Commerce Street, 14th Floor, Dallas, Texas 75242 on **October 20, 2020 at 9:30 a.m.**

I. Witnesses. Daugherty may call the following witnesses:

- a. James P. Seery, Jr.;
- b. Patrick H. Daugherty;
- c. Any and all witnesses designated and/or called by any party in interest;
and/or
- d. Any and all necessary rebuttal and/or impeachment witnesses.



II. Exhibits. Daugherty may seek the introduction of the following exhibits:

EXHIBIT NUMBER	DESCRIPTION	M A R K E D	O F F E R E D	O B J E C T	A D M I T	D A T E
PHD-1	Correspondence from B. Shaw to M. Maloney and H. O'Neill dated February 26, 2019					
PHD-2	Correspondence from M. Maloney to B. Shaw dated March 20, 2019					
	Any exhibits designated by any other party					
	Any rebuttal exhibits					

Daugherty expressly reserves the right to amend or supplement this list at any time prior to the hearing. Any party wishing to obtain copies of the exhibits designated herein may do so by requesting copies, in writing, from the undersigned counsel.

Dated: October 17, 2020.

Respectfully submitted,

/s/ Jason P. Kathman

Jason P. Kathman

State Bar No. 24070036

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Plano, Texas 75093

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COUNSEL

PATRICK DAUGHERTY

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on October 17, 2020, I caused to be served the foregoing pleading upon all parties receiving notice via the Court's electronic transmission facilities.

/s/ Jason P. Kathman

Jason P. Kathman



1201 ELM ST., SUITE 5200
DALLAS, TEXAS 75270-2142
(214) 888-5000 • FAX (214) 220-3833

TRIAL ATTORNEYS

BRIAN P. SHAW
PARTNER

WRITER'S DIRECT DIAL: (214) 239-2707
WRITER'S E-MAIL: shaw@RoggeDunnGroup.com

February 26, 2019

Mark M. Maloney
KING & SPALDING
1180 Peachtree Street, NE Suite 1600
Atlanta, Georgia 30309

Holland N. O'Neil
FOLEY GARDERE
2021 McKinney Avenue
Suite 1600
Dallas, Texas 75201

- ☐ VIA ECF
- ☐ VIA OVERNIGHT
- ☐ VIA HAND DELIVERY
- ☐ VIA FIRST CLASS MAIL
- ☐ VIA FAX:
- ☒ VIA E-MAIL:
mmaloney@kslaw.com
honeil@foley.com
- ☐ VIA CERTIFIED MAIL:

Re: Resets or refinancings of Acis CLOs

Dear Counsel:

I represent Acis Capital Management, L.P. ("Acis"). I write to you as counsel for Highland CLO Funding, Ltd. ("HCLOF"), Highland Capital Management, L.P., and Highland HCF Advisor, Ltd., respectively.

I assume HCLOF still maintains its position in the subordinated notes of CLOs for which Acis presently serves as portfolio manager. If so, Acis desires to work with HCLOF to attempt a reset or refinance of the relevant CLOs, as provided in the plan of reorganization for Acis (the "Plan"). This desire is constrained, of course, by market conditions, the governing documents of the CLOs, the Plan, as well as any other applicable law or contractual limitation.

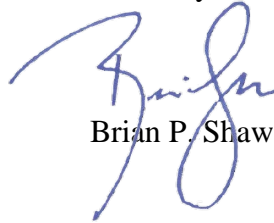
HCLOF and its directors have repeatedly stated that a reset or refinance of the relevant CLOs is in HCLOF's best interests. Acis wants to do everything reasonably practicable to accomplish that goal.

Acis notes that while it is not presently a shareholder in HCLOF, Acis believes its status as a shareholder will be recognized in the future by courts in the United States, and that recognition will be retroactive.

Please contact me as soon as possible so we can get this process moving. My hope is that the attorneys can step aside and we can let the business people get to business.

Mark M. Maloney
Holland N. O'Neil
February 26, 2019
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian P. Shaw". The signature is stylized with a large, looping initial "B" and a long, sweeping underline.

Brian P. Shaw

BPS

KING & SPALDING

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Mark M. Maloney
Direct Dial: +1 404 572 4857
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mmaloney@kslaw.com

March 20, 2019

VIA ELECTRONIC MAIL

Brian P. Shaw
Rogge Dunn Group
1201 ELM ST., SUITE 5200
DALLAS, TEXAS 75270-2142

Re: Resets or refinancings of Acis CLOs

Dear Counsel,

I am responding to your letter of February 26, attached, which I have discussed with Highland CLO Funding Limited ("HCLOF").

As you know, Highland CLO Funding Limited ("HCLOF") is appealing the bankruptcy court's confirmation order. As you also know, HCLOF has repeatedly denied that a reset transaction led by Acis and Brigade is either feasible, or in HCLOF's best interests, and HCLOF has received and continued to rely on independent advice to that effect. Further, as also noted in connection with HCLOF's objections to confirmation of the plan of reorganization, HCLOF is constrained under its governing Investment Policy from authorizing a reset transaction with Acis and Brigade.

For the above reasons, while HCLOF will continue to evaluate all options and alternatives, at present HCLOF is neither interested in pursuing, nor able to pursue, a reset transaction.

Sincerely,



Mark M. Maloney

cc: William Scott
Heather Bestwick

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mmaloney@kslaw.com

March 20, 2019

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For the above reasons, while HCLOF will continue to evaluate all options and alternatives, at present HCLOF is neither interested in pursuing, nor able to pursue, a reset transaction.

Sincerely,



Mark M. Maloney

cc: William Scott
Heather Bestwick