



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed August 21, 2020

  
United States Bankruptcy Judge

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

\_\_\_\_\_)  
In re: ) Chapter 11  
)  
HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup> ) Case No. 19-34054-sgj11  
)  
Debtor. )  
\_\_\_\_\_)

**AGREED SCHEDULING ORDER  
REGARDING OBJECTIONS TO PROOF OF CLAIM OF ACIS CAPITAL  
MANAGEMENT, L.P. AND ACIS CAPITAL MANAGEMENT GP, LLC**

On August 19, 2020, the Court held a status conference (the “Status Conference”) on the *Objection to Proof of Claim of Acis Capital Management L.P. and Acis Capital Management GP, LLC* [Docket No. 771] (the “Debtor’s Objection”) filed by Highland Capital Management, L.P. (the “Debtor”), the debtor and debtor-in-possession in the above-captioned bankruptcy case (the “Bankruptcy Case”). Through the Debtor’s Objection, the Debtor has objected to Proof of

<sup>1</sup> The Debtor’s last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.



Claim No. 3 (the “Acis Claim”) filed by claimants Acis Capital Management, L.P. and Acis Capital Management GP, LLC (collectively, “Acis”) in the Bankruptcy Case. Subsequent to the filing of the Debtor’s Objection, James Dondero (“Dondero”) filed *James Dondero’s (i) Objection to Proof of Claim of Acis Capital Management, L.P. and Acis Capital Management GP, LLC; and (ii) Joinder in Support of Highland Capital Management, L.P.’s Objection to Proof of Claim of Acis Capital Management L.P. and Acis Capital Management GP, LLC* [Docket No. 827] (the “Dondero Objection”), and UBS Securities LLC and UBS AG, London Branch (collectively, “UBS”, and collectively with the Debtor, Acis, and Dondero, the “Parties”) filed the *UBS (i) Objection to Proof of Claim of Acis Capital Management L.P. and Acis Capital Management GP, LLC and (ii) Joinder in the Debtor’s Objection* [Docket No. 891] (the “UBS Objection”, and collectively with the Dondero Objection and the Debtor Objection, the “Claim Objections”). In response to the Claim Objections, Acis filed the *Omnibus Response to Objection to Proof of Claim of Acis Capital Management, L.P. and Acis Capital Management GP, LLC* [Docket No. 908] (the “Acis Response”). At the Status Conference, the Parties’ respective counsel discussed with the Court the terms of a proposed scheduling order governing the filing and litigation of certain dispositive motions related to the Claim Objections, the terms of which are set forth in this Order (the “Scheduling Order”) and have been agreed to by the Parties as evidenced by the signatures of the Parties’ respective counsel as set forth below. Based on the agreement of the Parties, the Court finds there is good cause to enter this Scheduling Order. It is therefore **ORDERED** that:

1. On or before September 16, 2020, both the Debtor and Acis shall file with the Court their respective motions for summary judgment (each, a “Summary Judgment Motion”), if any, on the Debtor’s Objection to the Acis Claim.

2. Any of the Parties—including both UBS and Dondero—may file a response (each, a “Summary Judgment Response”), if any, to a Summary Judgment Motion no later than 21 days after the date the Summary Judgment Motion is filed with the Court.

3. Except as otherwise expressly stated in this Scheduling Order, any Summary Judgment Motion or Summary Judgment Response filed with the Court must comply with the deadlines, requirements, and limitations set forth in the applicable Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas (the “Local Rules”).

4. The Court will hold a hearing on any timely filed Summary Judgment Motion and Summary Judgment Response on **Tuesday, October 20, 2020 at 9:30 a.m. (Central Time)**.

5. The Court shall retain jurisdiction over all matters arising from or related to the interpretation or implementation of this Scheduling Order.

###End of Order###

**AGREED AS TO FORM, ENTRY, AND SUBSTANCE:**

**PACHULSKI STANG ZIEHL & JONES  
LLP**

Jeffrey N. Pomerantz (CA Bar No.143717)  
Ira D. Kharasch (CA Bar No. 109084)  
Maxim B. Litvak (TX Bar No. 24002482)  
Gregory V. Demo (NY Bar No. 5371992)  
10100 Santa Monica Boulevard, 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
Facsimile: (310) 201-0760  
Email: jpomerantz@pszjlaw.com  
ikharasch@pcszjlaw.com  
mlitvak@pszjlaw.com  
gdemo@pszjlaw.com

-and-

**WINSTEAD PC**

/s/ Rakhee V. Patel  
Rakhee V. Patel  
State Bar No. 00797213  
Phillip Lamberson  
State Bar No. 00794134  
Jason A. Enright  
State Bar No. 24087475  
Annmarie Chiarello  
State Bar No. 24097496  
500 Winstead Building  
2728 N. Harwood Street  
Dallas, Texas 75201  
Telephone: (214) 745-5400  
Facsimile: (214) 745-5390  
rpatel@winstead.com  
plamberson@winstead.com  
jenright@winstead.com  
achiarello@winstead.com

-and-

**HAYWARD & ASSOCIATES PLLC**

/s/ Zachery Z. Annable  
Melissa S. Hayward  
Texas Bar No. 24044908  
MHayward@HaywardFirm.com  
Zachery Z. Annable  
Texas Bar No. 24053075  
ZAnnable@HaywardFirm.com  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Tel: (972) 755-7100  
Fax: (972) 755-7110

*Counsel for the Debtor and Debtor-in-  
Possession*

**ROGGE DUNN GROUP, PC**

Brian P. Shaw  
State Bar No. 24053473  
500 N. Akard Street, Suite 1900  
Dallas, Texas 75201  
Telephone: (214) 888-5000  
Facsimile: (214) 220-3833  
shaw@roggedunnngroup.com

*Counsel for Acis Capital Management,  
L.P. and Acis Capital Management GP,  
LLC*

**AGREED AS TO FORM, ENTRY, AND SUBSTANCE:**

**BONDS ELLIS EPPICH SCHAFFER JONES LLP**

/s/ John Y. Bonds, III

D. Michael Lynn  
State Bar I.D. No. 12736500  
John Y. Bonds, III  
State Bar I.D. No. 02589100  
Joshua N. Eppich  
State Bar I.D. No. 24050567  
Bryan C. Assink  
State Bar I.D. No. 24089009  
420 Throckmorton Street, Suite 1000  
Fort Worth, Texas 76102  
Tel: (817) 405-6900  
Fax: (817) 405-6902  
Email: michael.lynn@bondsellis.com  
Email: john@bondsellis.com  
Email: joshua@bondsellis.com  
Email: bryan.assink@bondsellis.com

*Counsel for James Dondero*

**LATHAM & WATKINS LLP**

/s/ Andrew Clubok

Andrew Clubok (*pro hac vice*)  
Sarah Tomkowiak (*pro hac vice*)  
555 Eleventh Street, NW, Suite 1000  
Washington, District of Columbia 20004  
Telephone: (202) 637-2200  
Email: andrew.clubok@lw.com  
sarah.tomkowiak@lw.com

-and-

Jeffrey E. Bjork (*pro hac vice*)  
Kimberly A. Posin (*pro hac vice*)  
355 South Grand Avenue, Suite 100  
Los Angeles, CA 90071  
Telephone: (213) 485-1234  
Email: jeff.bjork@lw.com  
kim.posin@lw.com

-and-

**BUTLER SNOW LLP**

Martin Sosland  
(TX Bar No. 18855645)  
Candice M. Carson  
(TX Bar No. 24074006)  
5430 LBJ Freeway, Suite 1200  
Dallas, Texas 75240  
Telephone: (469) 680-5502  
E-mail: martin.sosland@butlersnow.com  
candice.carson@butlersnow.com

*Counsel for UBS Securities LLC and  
UBS AG, London Branch*