

CRAWFORD, WISHNEW & LANG PLLC  
Michael J. Lang  
Texas State Bar No. 24036944  
[mlang@cwl.law](mailto:mlang@cwl.law)  
1700 Pacific Ave, Suite 2390  
Dallas, Texas 75201  
Telephone: (214) 817-4500

*Counsel for Appellants*

**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.	)	
_____	)	

**APPELLANTS' AMENDED DESIGNATION OF ITEMS TO BE INCLUDED  
IN THE RECORD ON APPEAL**

Appellants James Dondero, Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., The Dugaboy Investment Trust, The Get Good Trust, and NexPoint Real Estate Partners, LLC, f/k/a HCRE Partners, LLC, a Delaware limited liability company (collectively, "Appellants") hereby file their *Amended Designation of Items to be Included in the Record on Appeal* of the *Order Denying Motion to Recuse Pursuant to 28 U.S.C. § 455* (the "Order") entered by the Bankruptcy Court on March 23, 2021 at docket no. 2083 in the above styled and numbered bankruptcy case (the "Bankruptcy Case") of Highland Capital Management, L.P. (the "Debtor").

Appellants request that the Clerk prepare and forward the items listed herein to the United States District Court for the Northern District of Texas for inclusion in the record in connection with this appeal.



**DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

1. Notice of Appeal filed by Appellants [**Docket No. 2149**], filed April 1, 2021;
2. Amended Notice of Appeal filed by Appellants [**Docket No. 2169**], filed April 6, 2021;
3. *Order Denying Motion to Recuse Pursuant to 28 U.S.C. § 455* [**Docket No. 2083**], filed March 23, 2021;
4. All docket entries kept by the bankruptcy clerk in Case No. 19-34054-sgj-11;
5. All docket entries kept by the bankruptcy clerk in the associated Adversary Case No. 21-03010-sgj;
6. All docket entries kept by the bankruptcy clerk in the associated Adversary Case No. 20-03190-sgj;
7. All docket entries kept by the bankruptcy clerk in associated Adversary Case No. 21-03000-sgj;

**Appellants further designate each of the following additional documents, items, and transcripts:**

**Case No. 19-34054-sgj-11****Documents and items:**

<b>Designation No.</b>	<b>Docket No.</b>	<b>Date</b>	<b>Description</b>
8.	<b>68</b>	12/4/2019	Application/Motion to Employ/Retain Foley Gardere, Foley & Lardner LLP as Special Texas Counsel Filed by Highland Capital Management, L.P.
9.	<b>474</b>	2/24/2020	Motion of the Debtor for Entry of an Order Authorizing, but Not Directing, the Debtor to Cause Distributions to Certain “Related Entities”
10.	<b>590</b>	4/15/2020	Motion for Remittance of Funds Held in Registry of Court
11.	<b>624</b>	5/6/2020	Objection to Motion for Remittance of Funds Held in Registry of Court
12.	<b>771</b>	6/23/2020	Debtor’s Objection to Proof of Claim of Acis Capital Management LP and Acis Capital Management GP,

			LC and Joinder in the Debtor's Objection
13.	<b>891</b>	7/23/2020	UBS Objection to Proof of Claim of Acis Capital Management LP and Acis Capital Management GP, LC and Joinder in the Debtor's Objection
14.	<b>928</b>	8/07/2020	Debtor's Objection to Proof of Claim of UBS Securities LLC and UBS AG, London Branch
15.	<b>1384</b>	11/13/2020	Debtor's Amended Disclosure Statement
16.	<b>1514</b>	12/7/2020	Adversary case 20-03190; Complaint by Highland Capital Management, L.P. against James D. Dondero.
17.	<b>1528</b>	12/8/2020	Motion for Order Imposing Temporary Restrictions on Debtor's Ability, as Portfolio Manager, to Initiate Sales by Non-Debtor CLO Vehicles.
18.	<b>1692</b>	1/6/2021	Adversary case 21-03000; Complaint by Highland Capital Management, L.P. against Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., Highland Income Fund, NexPoint Strategic Opportunities Fund, NexPoint Capital, Inc., CLO Holdco, Ltd.
19.	<b>1745</b>	1/14/2021	Motion to Appoint Examiner
20.	<b>1935</b>	2/17/2021	Adversary case 21-03010; Complaint by Highland Capital Management, L.P. against Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P.
21.	<b>1943</b>	2/22/2021	Order Confirming the Fifth Amended Chapter 11 Plan
22.	<b>1955</b>	2/28/2021	The Advisors' Motion to Stay Pending Appeal of the Confirmation Order and Brief in Support Thereof
23.	<b>2022</b>	3/12/2021	Debtor's Omnibus Response to Motions for Stay Pending Appeal of the Confirmation Order
24.	<b>2060</b>	3/18/2021	James Dondero, Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., The Dugaboy Investment Trust, The Get Good Trust, and NexPoint Real Estate Partners, LLC, f/k/a HCRE Partners, LLC, a Delaware Limited Liability Company's Motion to Recuse Pursuant to 28 U.S.C. § 455
25.	<b>2061</b>	3/18/2021	James Dondero, Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., The Dugaboy Investment Trust, The Get Good Trust, and NexPoint Real Estate Partners, LLC, f/k/a HCRE Partners, LLC, a Delaware Limited Liability Company's Brief in Support of their Motion to Recuse Pursuant to 28 U.S.C. § 455
26.	<b>2062</b>	3/18/2021	Appendix to James Dondero, Highland Capital Management Fund Advisors, L.P., NexPoint

			Advisors, L.P., The Dugaboy Investment Trust, The Get Good Trust, and NexPoint Real Estate Partners, LLC, f/k/a HCRE Partners, LLC, a Delaware Limited Liability Company's Motion to Recuse Pursuant to 28 U.S.C. § 455
27.	<b>2084</b>	3/23/2021	Order Denying Motion to Stay Pending Appeal

Transcripts:

<b>Designation No.</b>	<b>Docket No.</b>	<b>Date</b>	<b>Description</b>
28.	<b>1543</b>	12/11/2020	1/9/2020 Transcript regarding Motion to Compromise Controversy
29.	<b>479</b>	2/26/2020	Transcript regarding hearing held on 2/19/2020 (regarding Dkt. 68 - Application/Motion to Employ/Retain Foley Gardere, Foley & Lardner LLP as Special Texas Counsel)
30.	<b>571</b>	4/8/2020	Transcript regarding hearing held on 03/04/2020 (regarding Dkt. 474 - Motion of the Debtor for Entry of an Order Authorizing, but Not Directing, the Debtor to Cause Distributions to Certain "Related Entities")
31.	<b>802</b>	7/2/2020	Transcript regarding hearing held on 6/30/2020 (regarding Dkt. 590 - Motion for Remittance of Funds Held in Registry of Court)
32.	<b>817</b>	7/10/2020	Transcript regarding hearing held on 07/08/2020 (regarding Dkt. 737 - Motion to Extend or Limit the Exclusivity Period; Dkt. 668 - Order on Motion to Extend/Shorten Time; Dkt. 747 – Motion to Extend Time; Dkt. 459 – Order on Motion to Extend/Shorten Time)
33.	<b>864</b>	7/17/2020	Transcript regarding hearing held on 07/14/2020 (regarding Dkt. 775 - Application to Employ Development Specialists, Inc. as Other Professional Amended Motion of the Debtor Pursuant to 11 U.S.C. §§ 105(a) and 363(b) to Employ and Retain Development Specialists, Inc. to Provide Financial Advisory and Restructuring-Related Services, Nunc Pro Tunc to March 15, 2020)
34.	<b>897</b>	7/24/2020	Transcript regarding hearing held on 07/21/2020
35.	<b>1271</b>	10/23/2020	Transcript regarding hearing held on 10/20/2020 (regarding Dkt. 1087 - Motion to Compromise Controversy with (A) Acis Capital Management, L.P. and Acis Capital Management GP LLC (Claim No. 23), (B) Joshua N. Terry and Jennifer G. Terry (Claim No. 156), and (C) Acis Capital Management,

			L.P. (Claim No. 159))
36.	<b>1285</b>	10/24/2020	Transcript regarding hearing held on 10/21/2020 (regarding Dkt. 1087 - Motion to Compromise Controversy with (A) Acis Capital Management, L.P. and Acis Capital Management GP LLC (Claim No. 23), (B) Joshua N. Terry and Jennifer G. Terry (Claim No. 156), and (C) Acis Capital Management, L.P. (Claim No. 159))
37.	<b>1610</b>	12/19/2020	Transcript regarding hearing held on 12/16/2020 (regarding Dkt. 1528 - Motion for Order Imposing Temporary Restrictions on Debtor's Ability, as Portfolio Manager, to Initiate Sales by Non-Debtor CLO Vehicles)
38.	<b>1862</b>	1/29/2021	Transcript regarding hearing held on 01/26/2021
39.	<b>1917</b>	2/9/2021	Transcript regarding hearing held on 02/08/2021 (regarding Dkt. 1808 - Modified Chapter 11 Plan filed by Debtor Highland Capital Management, L.P.
40.	<b>2073</b>	3/20/2021	Transcript regarding hearing held on 03/19/2021 (regarding Dkt. 2067 - hearing held on 3/19/2021 RE: Dkt. 1955 Motion to Stay Pending Appeal)

**Adversary Case No. 21-03010**

Documents and Items:

<b>Designation No.</b>	<b>Docket No.</b>	<b>Date</b>	<b>Description</b>
41.	<b>1</b>	2/17/2021	Adversary case 21-03010; Complaint by Highland Capital Management, L.P. against Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P.
42.	<b>2</b>	2/17/2021	Motion to Compel Adoption and Implementation of a Plan for the Transition of Services by February 28, 2021
43.	<b>3</b>	2/17/2021	Brief in Support of Motion to Compel Adoption and Implementation of a Plan for the Transition of Services by February 28, 2021
44.	<b>4</b>	2/17/2021	Declaration of Mr. James P. Seery, Jr. in Support of Debtor's Emergency Motion for a Mandatory Injunction Requiring the Advisors to Adopt and Implement a Plan for the Transition of Services by February 28, 2021
45.	<b>5</b>	2/17/2021	Motion for Expedited Hearing on Motion to Compel
46.	<b>20</b>	2/22/2021	Objection to Motion to Compel Adoption and Implementation of a Plan for the Transition of Services by February 28, 2021. (Debtor's Emergency

			Motion for a Mandatory Injunction Requiring the Advisors to Adopt and Implement a Plan for the Transition of Service filed by Plaintiff Highland Capital Management, L.P.)
47.	<b>25</b>	2/24/2021	Order Dismissing Motion to Compel as Moot

Transcripts:

<b>Designation No.</b>	<b>Docket No.</b>	<b>Date</b>	<b>Description</b>
48.	<b>26</b>	2/25/2021	Transcript regarding hearing held on 02/23/2021 (regarding Dkt. 2 - Motion to Compel Adoption and Implementation of a Plan for the Transition of Services by February 28, 2021, (Debtor's Emergency Motion for a Mandatory Injunction Requiring the Advisors to Adopt and Implement a Plan for the Transition of Services by February 28, 2021)

**Adversary Case No. 20-03190**Documents and Items:

<b>Designation No.</b>	<b>Docket No.</b>	<b>Date</b>	<b>Description</b>
49.	<b>1</b>	12/7/2020	Complaint by Highland Capital Management, L.P. against James D. Dondero.
50.	<b>2</b>	12/7/2020	Plaintiff Highland Capital Management, L.P.'s Emergency Motion for a Temporary Restraining Order and Preliminary Injunction against Mr. James Dondero
51.	<b>3</b>	12/7/2020	Brief in Support of Plaintiff Highland Capital Management, L.P.'s Emergency Motion for a Temporary Restraining Order and Preliminary Injunction against Mr. James Dondero
52.	<b>5</b>	12/7/2020	Motion for Expedited Hearing on Plaintiff Highland Capital Management, L.P.'s Motion for Expedited Hearing on Its Emergency Motion for a Temporary Restraining Order and Preliminary Injunction against Mr. James Dondero
53.	<b>6</b>	12/7/2020	Motion for Temporary Restraining Order
54.	<b>7</b>	12/8/2020	Brief in Support of Motion for a Temporary Restraining Order and Preliminary Injunction Against Mr. Dondero
55.	<b>9</b>	12/9/2020	Order Granting Motion for Expedited Hearing
56.	<b>10</b>	12/10/2020	Order Granting Motion for Temporary Restraining Order against James Dondero

57.	<b>48</b>	1/7/2021	Plaintiff's Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should Not Be Held in Civil Contempt for Violating the TRO
58.	<b>49</b>	1/7/2021	Brief in Support of Plaintiff's Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should Not Be Held in Civil Contempt for Violating the TRO
59.	<b>50</b>	1/7/2021	Declaration of John A. Morris in Support of the Debtor's Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should Not Be Held in Civil Contempt for Violating the TRO
60.	<b>51</b>	1/7/2021	Motion for Expedited Hearing
61.	<b>52</b>	1/7/2021	Response Opposed to Motion for Preliminary Injunction
62.	<b>59</b>	1/12/2021	Order Granting Debtor's Motion for a Preliminary Injunction Against James Dondero
63.	<b>110</b>	2/21/2021	Objection to Motion for Contempt Against James Dondero Regarding Violation of the Temporary Restraining Order

Transcripts:

<b>Designation No.</b>	<b>Docket No.</b>	<b>Date</b>	<b>Description</b>
64.	<b>19</b>	12/11/2020	Transcript regarding hearing held on 12/10/2020 (regarding Dkt. 12 - TRO in Adversary case 20-03190, Complaint by Highland Capital Management, L.P. against James D. Dondero)
65.	<b>56</b>	1/11/2021	Transcript regarding hearing held on 01/08/2021 (regarding Dkt. 2 - Plaintiff Highland Capital Management, L.P.'s Emergency Motion for a Temporary Restraining Order and Preliminary Injunction against Mr. James Dondero)
66.	<b>132</b>	3/24/2021	Motion for leave (Defendant James Dondero's Motion to Reopen Evidence to Allow for Additional Rebuttal Witness Testimony) (related document(s) 48 Motion for Contempt, 130 Court admitted exhibits, 131 Notice of hearing) filed by Defendant James D. Dondero
67.	<b>138</b>	3/25/2021	Transcript regarding hearing held on 03/22/2021 (regarding Dkt. 48 - Motion for Contempt)
68.	<b>139</b>	3/25/2021	Transcript regarding hearing held on 03/24/2021 (regarding Dkt. 48 - Motion for Contempt)

**Adversary Case No. 21-03000****Documents and Items:**

<b>Designation No.</b>	<b>Docket No.</b>	<b>Date</b>	<b>Description</b>
69.	<b>1</b>	1/6/2021	Complaint by Highland Capital Management, L.P. against Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., Highland Income Fund, NexPoint Strategic Opportunities Fund, NexPoint Capital, Inc., CLO Holdco, Ltd.
70.	<b>3</b>	1/6/2021	Brief in Support of Debtor's Motion for a Temporary Restraining Order and Preliminary Injunction against Certain Entities Owned and/or Controlled by Mr. James Dondero
71.	<b>4</b>	1/6/2021	Declaration of Mr. James P. Seery, Jr. in Support of the Debtor's Motion for a Temporary Restraining Order against Certain Entities Owned and/or Controlled by Mr. James Dondero
72.	<b>5</b>	1/6/2021	Plaintiff's Motion for a Preliminary Injunction against Certain Entities Owned and/or Controlled by Mr. James Dondero
73.	<b>6</b>	1/6/2021	Brief in Support of Plaintiff's Motion for a Preliminary Injunction against Certain Entities Owned and/or Controlled by Mr. James Dondero
74.	<b>7</b>	1/6/2021	Declaration of Mr. James P. Seery, Jr. in Support of the Debtor's Motion for a Preliminary Injunction against Certain Entities Owned and/or Controlled by Mr. James Dondero
75.	<b>8</b>	1/6/2021	Motion for Expedited Hearing on Motion for Temporary Restraining Order
76.	<b>9</b>	1/6/2021	Motion for Temporary Restraining Order by Highland Capital Management, L.P. (RE: related document(s)1 Adversary case 21-03000. Complaint by Highland Capital Management, L.P. against Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P., Highland Income Fund, NexPoint Strategic Opportunities Fund, NexPoint Capital, Inc., CLO Holdco, Ltd.)
77.	<b>16</b>	1/11/2021	Order Granting Motion for Expedited Hearing
78.	<b>20</b>	1/13/2021	Agreed Order Granting Motion for a TRO Against Certain Entities Owned and/or Controlled by Mr. James Dondero
79.	<b>31</b>	1/21/2021	Objection to Plaintiff's Motion for a Preliminary Injunction against Certain Entities Owned and/or Controlled by Mr. James Dondero and Brief in



			Support
80.	<b>42</b>	1/23/2021	Objection to Plaintiff's Motion for a Preliminary Injunction against Certain Entities Owned and/or Controlled by Mr. James Dondero
81.	<b>43</b>	1/24/2021	Motion to Dismiss Adversary Proceeding
82.	<b>47</b>	1/25/2021	Debtor's Reply to Objection and Brief Opposed to Debtor's Motion for Temporary Restraining Order and Preliminary Injunction Against Certain Entities Owned and/or Controlled by Mr. James Dondero

Transcripts:

<b>Designation No.</b>	<b>Docket No.</b>	<b>Date</b>	<b>Description</b>
83.	<b>56</b>	1/28/2021	Transcript regarding hearing held on 01/26/2021 (regarding Dkt. 5 - Motion for Preliminary Injunction)

Dated: April 16, 2021

Respectfully submitted,

CRAWFORD, WISHNEW &amp; LANG PLLC

By: /s/ Michael J. Lang  
Michael J. Lang  
Texas State Bar No. 24036944  
[mlang@cwl.law](mailto:mlang@cwl.law)  
1700 Pacific Ave, Suite 2390  
Dallas, Texas 75201  
Telephone: (214) 817-4500

*Counsel for Appellants***CERTIFICATE OF SERVICE**

The undersigned certifies that on April 16, 2021, a true and correct copy of the above and foregoing document was served on all parties and counsel set to receive notice by the Court's ECF system.

/s/ Michael J. Lang  
Michael J. Lang