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

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v.	§	Civil Action No. 3:21-cv-546-N
	§	
HIGHLAND CAPITAL MANAGEMENT,	, §	
L.P.,	§	
	§	
Appellee.	§	
	§	
THE DUGABOY INVESTMENT TRUST	§	
AND GET GOOD TRUST	§	
	§	
Appellants,	§	
	§	
V.	§	Civil Action No. 3:21-cv-550-N
	§	
HIGHLAND CAPITAL MANAGEMENT,	, §	
L.P.,	§	
	§	
Appellee.	§	

ORDER

This Order addresses Highland Capital Management Fund Advisors, L.P., NexPoint Advisors, L.P. (collectively, the "Advisors"), The Dugaboy Investment Trust, and Get Good Trust's motion for stay pending appeal. The Court denies the motion.

This is a bankruptcy case concerning Highland Capital Management, L.P. On February 22, 2021, the Bankruptcy Court entered the *Order Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief* (the "Confirmation Order"). Appellants filed motions for stay in the Bankruptcy Court and initiated four separate appeals of the Confirmation Order to this Court. The Bankruptcy Court denied the motions for stay and certified a direct appeal to the Fifth Circuit. The Advisors then filed this motion for stay pending the outcome of their

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appeal to the Fifth Circuit. The Dugaboy Investment Trust and the Get Good Trust then filed a motion adopting the Advisors' motion.

Shortly after this motion became ripe, the Advisors filed a similar motion to the Fifth Circuit. The Fifth Circuit ultimately denied that motion. *See* Order, NexPoint v. Highland Capital Mgmt., No. 21-10449 (5th Cir. June 21, 2021). Because the Fifth Circuit has already reviewed and denied a motion with identical arguments, the Court denies this motion for stay pending appeal.

Signed June 23, 2021.

Sodby David

David C. Godbey United States District Judge