

BTXN 117a (rev. 10/02)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXASIn Re:  
Highland Capital Management, L.P.

Debtor(s)

Marc Kirschner

Plaintiff(s)

Case No.: 19-34054-sgj11

Chapter No.: 11

Adversary No.: 21-03076-sgj

vs.

James D. Dondero et al, Mark Okada, Scott Ellington,  
Isaac Leventon, Grant James Scott III, Frank  
Waterhouse, 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, MARK & PAMELA OKADA  
FAMILY TRUST EXEMPT TRUST #1 AND  
LAWRENCE TONOMURA AS TRUSTEE OF MARK  
& PAMELA OKADA FAMILY TRUST EXEMPT  
TRUST #1, MARK & PAMELA OKADA FAMILY  
TRUST EXEMPT TRUST #2 AND LAWRENCE  
TONOMURA IN HIS CAPACITY AS TRUSTEE OF  
MARK & PAMELA OKADA FAMILY TRUST  
EXEMPT #2, CLO HOLDCO, LTD; CHARITABLE  
DAF HOLDCO, LTD., Charitable DAF Fund, Lp,  
Highland Dallas Foundation, RAND PE FUND I, LP,  
SERIES 1, MASSAD CAPITAL, LLC, MASSAND  
CAPITAL, INC., SAS ASSET RECOVERY, LTD.,  
AND CPCMC, LLC

Defendant(s)

**SUMMONS IN AN ADVERSARY PROCEEDING**

To the above-named defendant:

You are hereby summoned and required to serve upon **Paige Holden Montgomery**, Plaintiff's attorney (or if Plaintiff is not represented by counsel, upon Plaintiff), whose address is **Sidley Austin LLP**

**2021 McKinney Avenue, Suite 2000**

**Dallas, TX 75201**, either a motion or an answer to the complaint which is now served upon you. If you elect to respond first by motion, as you may pursuant to Fed. R. Bankr. P. 7012, that governs the time within which your answer must be served. Otherwise, you are required to serve your answer upon Plaintiff's attorney (or upon Plaintiff if Plaintiff is not represented by counsel) within 30 days of the date of issuance of this summons by the clerk (or by the following date prescribed by the court: N/A) except that the United States or an office or agency thereof shall serve an answer to the complaint within 35 days after the date of issuance of the summons.

*{If this summons and complaint is served in a foreign country}* Service of your answer must be made by the following date prescribed by the court N/A.

The motion or answer served by you must be filed with this court before service or within a reasonable time after service. **IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS SUMMONS, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

DATED: 10/18/21

FOR THE COURT:  
Robert P. Colwell, Clerk of Court

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by: /s/Michael Edmond, Deputy Clerk



In Re: Kirschner v. Dondero et al  
Case No. 19-34054-sgj11 -11  
Adv. No. 21-03076-sgj

**SUMMONS SERVICE EXECUTED**

I, \_\_\_\_\_

of\*\* \_\_\_\_\_

certify:

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and all times during service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made;

That on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ I served a copy of the within summons, together with the complaint filed in this proceeding, on

the defendant in this proceeding, by *{describe here the mode of service}*

the said defendant at

I certify under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
(Date) (Signature)

\*\* \_\_\_\_\_  
State mailing address

**A copy of this *Notice to Litigants* should be served  
on the defendant along with the Summons and Complaint.**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS**

**NOTICE TO LITIGANTS**

**You have been named as a defendant in an adversary proceeding, the outcome of which could affect your bankruptcy discharge. Even if you have already received a discharge, this is a serious matter that you should not ignore.**

Individual litigants are entitled to appear without an attorney and represent themselves in the Bankruptcy Court. However, the rules can be quite technical and failure to comply with the rules can have severe consequences. Before deciding to appear on your own, you should consider consulting an attorney. If you were represented in your chapter 7 or 13 bankruptcy case by counsel, you should notify that attorney that you have been named as a defendant.

If you cannot afford an attorney, you may be eligible for free legal representation through Legal Aid of NorthWest Texas (LANWT) or the Dallas Volunteer Attorney Program (DVAP). To determine if you are eligible, you must apply for legal representation at a regularly-scheduled neighborhood legal clinic. In addition, if you were recently represented by an attorney in a chapter 7 or 13 case, you should notify that attorney immediately.

Upon application at a neighborhood legal clinic, you will be screened for eligibility based on your current income and the availability of any other assets to pay for legal services. If it is determined that you are eligible, an attorney may be found who will represent you without payment of attorneys' fees. Please note that, even if you are eligible, you may still be responsible for the payment of costs, such as court reporter fees, deposition transcripts, court transcripts, postage and copies.

On the last page of this notice, you will find a list of neighborhood legal clinics, their locations, and the times they meet. When you make contact with DVAP or LANWT, please have your copy of the summons and complaint with you, as well as a copy of any *Schedule of Assets and Liabilities and Statement of Financial Affairs* filed in your bankruptcy case.

## **Neighborhood Legal Clinics**

### **EAST DALLAS**

1st & 3rd Thursdays at 5:00 pm  
Grace United Methodist Church  
4105 Junius at Haskell  
Dallas, TX 75246

### **SOUTH DALLAS**

1st, 2nd and 4th Tuesdays at 5:00 pm  
Martin Luther King, Jr. Center  
Core Services Building,  
2922 Martin Luther King Blvd.,  
Room 122  
Dallas, Texas 75215

### **FRIENDSHIP WEST BAPTIST CHURCH**

3rd Wednesday at 5:30 pm  
2020 West Wheatland Road  
Dallas, Texas 75232

### **TRIANGLE NEIGHBORHOOD**

3rd Tuesdays at 5:00 pm  
(excluding summer)  
St. Phillip.s Community Center  
1600 Pennsylvania Avenue  
Dallas, Texas 75215

### **WEST DALLAS**

2nd & 4th Thursdays at 5:00 pm  
Wesley–Rankin  
Community Center  
3107 N. Winnetka  
Dallas, Texas 75212

### **GARLAND**

3rd Thursday at 5:00 pm  
(excluding December)  
Salvation Army  
Downtown Garland  
457 W. Avenue D  
Garland, Texas 75040

### **FORT WORTH**

3rd Tuesday at 5:00 pm  
(excluding December)  
Legal Aid of NorthWest Texas  
600 E. Weatherford St  
Fort Worth, TX 76102

### **PLEASE TAKE NOTE**

Clinics may be cancelled because of bad weather, federal holidays, or during elections. To confirm that a clinic will occur as scheduled, contact (214) 243–2247 for Dallas or Garland clinics, or (800) 955–3959 for Fort Worth clinics.

Please bring proof of income and residency, as well as a copy of the *Schedule of Assets and Liabilities and Statement of Financial Affairs* filed in your bankruptcy case and the summons and complaint. If you have been sued, please bring your legal documents.