

BTXN 117a (rev. 10/02)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

In 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, Chandler M. Rognes

of\*\* Sidley Austin LLP

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 22nd day of October, 2021 I served a copy of the within summons, together with the complaint filed in this proceeding, on Highland Dallas Foundation, Inc., Charitable DAF Fund, LP, Charitable DAF Holdco, Ltd., and CLO Holdco, Ltd., including the Court's Order Regarding Adversary Proceeding Trial Setting and Alternative Scheduling Order (Docket No. 4),

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

e-mail sent to Louis Phillips of Kelly Hart & Pitre, legal counsel for

the said defendant at

louis.phillips@kellyhart.com. By email dated October 22, 2021, Mr. Phillips agreed to accept service of the complaint and summons on behalf of his clients, Highland Dallas Foundation, Inc., Charitable DAF Fund, LP, Charitable DAF Holdco, Ltd., and CLO Holdco, Ltd.

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

Executed on October 26, 2021 Chandler M. Rognes  
(Date) (Signature)

\*\* 2021 McKinney Ave., Suite 2000, Dallas, TX 75201

*State mailing address*