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Counsel for Highland Capital Management, L.P.

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

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

)
) Chapter 11
)
) Case No. 19-34054-sgj11
)
)
)
)

**REORGANIZED DEBTOR'S (I) RESPONSE TO MOTION FOR
LEAVE TO FILE LAWSUIT AND (II) RESERVATION OF RIGHTS**

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (8357). The headquarters and service address for the Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.



Highland Capital Management, L.P. (the “Reorganized Debtor”), by and through its undersigned counsel, hereby files this response and reservation of rights (the “Response”) to the *Motion for Leave to File Lawsuit* [Docket No. 3066] (the “Motion”)² filed by The Dugaboy Investment Trust (“Dugaboy”). In support of this Response, the Reorganized Debtor represents as follows:

RESPONSE AND RESERVATION OF RIGHTS

1. Through the Motion, Dugaboy—James Dondero’s family trust—alleges it has a claim against the Highland Select Equity Master Fund, L.P. (the “Select Master Fund”) arising under the Loan Agreements and a contingent claim against the Select Master Fund’s general partner, Select GP (collectively, the “Alleged Claim”). Dugaboy asks this Court (i) to determine that the Alleged Claim is “colorable” under the gatekeeper provision contained in the confirmed Plan and (ii) to allow Dugaboy to prosecute the Alleged Claim in the United States District Court for the Southern District of New York (the “SDNY”).

2. The Reorganized Debtor does not contest the colorability of the Alleged Claim.³ The Reorganized Debtor, for itself and as sole member of Highland Select Equity, LLC, the general partner of Select GP, does, however, reserve all rights each may have, whether arising in law, equity, or contract, in any action brought with respect to the Alleged Claim, including the right to contest the merits of the Alleged Claim and whether venue in the SDNY is proper. Nothing herein shall be deemed a waiver or release of any such rights. The Reorganized Debtor further contests any statements in the Motion that could be construed as an admission by the Reorganized Debtor

² All capitalized terms used but not defined herein have the meanings given to them in the Motion.

³ The Select Master Fund takes no position on the colorability of the Alleged Claim at this time.

(or any other entity) as to the merits of the Alleged Claim, including the appropriate governing law and venue and any other statements in the Motion which Dugaboy appears to claim are “facts.”

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Dated: December 22, 2021

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