

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

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT FUND
ADVISORS, L.P.,

Defendant.

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Adv. Proc. No. 21-03004-sgj

Case No. 3:21-cv-00881

ORDER GRANTING CONSTRUED AGREED MOTION TO CONSOLIDATE THE NOTE CASES

The Court previously ordered consolidation of five Note Cases into case 3:21-cv-881. [Doc. No. 24.] Counsel in those five Note Cases and four additional Note Cases have now agreed to further consolidation of four additional Note Cases—**3:21-cv-3160, 3:21-cv-3162, 3:21-cv-3179, and 3:21-cv-3207**—into case 3:21-cv-881. Counsel filed an “agreed consolidation” on the dockets for the four additional Note Cases.¹ The Court construes it as a joint motion for consolidation under case 3:21-cv-881.

Having considered the Motion the Court finds that consolidation of the additional Note Cases is warranted under Rule 42(a) of the Federal Rules of Civil Procedure and that the interests of judicial efficiency are best served by consolidation of the additional Note Cases under case 3:21-cv-881. The Court therefore **GRANTS** the construed joint motion to consolidate.

¹ See, e.g., 3:21-cv-3160, Doc. No. 2.



IT IS HEREBY ORDERED THAT:

1. The Note Cases are consolidated under the lead case, No. 3:21-cv-881 for all purposes other than that Case No. 3:21-cv-881 may be tried separately (or that the determination of whether such case shall be tried separately is deferred until after all summary judgement motions are heard and decided), to be heard by the Honorable Judge Starr.
2. The cases consolidated under No. 3:21-cv-881 are:
 - 3:21-cv-3160
 - 3:21-cv-3162
 - 3:21-cv-3179
 - 3:21-cv-3207
3. All future filings related to all Note Cases shall be filed on the docket for No. 3:21-cv-881.
4. In addition, all consolidated cases shall be closed and the pending motions terminated. If counsel wishes to renew any terminated motions that were pending at the time of consolidation in the consolidated cases, they must renew the motions and file them on the docket for case 3:21-cv-881 within 7 days of this Order.

The parties have also agreed to “stay the Appellate Proceedings and to stay prosecution of the New Claims in the Bankruptcy Court until final resolution of the Summary Judgment Motion, including appeals.”² The Court finds a stay highly warranted in these circumstances. Accordingly, the Court **STAYS** the consolidated appellate proceedings of the Note Cases (No. 3:21-cv-881) and

² *Id.* at 4.

ORDERS the parties to comply with their agreement to forego action in this Court—including briefing—until the Bankruptcy Court has entered its order on the motion for summary judgment.

IT IS SO ORDERED this 20th day of January, 2022.

A handwritten signature in black ink, appearing to read "Brantley Starr", is written over a horizontal line.

BRANTLEY STARR
UNITED STATES DISTRICT JUDGE