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ATTORNEYS FOR JAMES DONDERO

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

HIGHLAND CAPITAL MANAGEMENT, L.P., §
§

Plaintiff. §
§

v. §
§

HIGHLAND CAPITAL MANAGEMENT §
FUND ADVISORS, L.P., *et al* §

Defendants. §
§

Case No.: 3:21-cv-00881-X

(Consolidated with 3:21-cv-00880-X,
3:21-cv-01010-X, 3:21-cv-01378-X,
and 3:21-cv-01379-X)

DEFENDANT JAMES DONDERO'S MOTION
FOR ENTRY OF AN ORDER ON PENDING MOTION

James Dondero ("Dondero"), one of the defendants in the above consolidated cases, files this *Motion for Entry of Order on Pending Motion*, respectfully stating as follows:

1. On May 4, 2021, a Notice of Transmittal was filed in Cause No. 3:21-cv-01010 ["Original Case"], transmitting *James Dondero's Motion and Memorandum of Law in Support to Withdraw the Reference* to the District Court [Dkt. 1] [the "MTWR," attached as Exhibit 1].

2. On July 7, 2021, a Notice of Transmittal was filed in the Original Case, transmitting Bankruptcy Judge Stacy Jernigan's *Report and Recommendation to District Court Proposing That It: (A) Grant Defendant's Motion to Withdraw the Reference at Such time as Bankruptcy Court*

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Certifies that Action is Trial Ready; and (B) Defer Pretrial Matters to Bankruptcy Court [Dkt. 2] [the "R&R"].

3. On July 21, 2021, the *Limited Objection of James Dondero to Report and Recommendation to District Court on the Motion to Withdraw the Reference* was filed in the Original Case [Dkt. 3], as well as an appendix in support of same [Dkt 4] [the "Objection," attached hereto as Exhibit 2].

4. On August 4, 2021, Plaintiff Highland Capital Management, L.P. ["HCMLP"] filed its *Reply to Defendant's Limited Objection to Report and Recommendation of the Bankruptcy Court Relating to Defendant's Motion to Withdraw the Reference* [Dkt. 5]

5. On January 5, 2022, the Original Case and other similarly-situated cases were consolidated into the instant case (3:21-cv-00881, the "Consolidated Case"), by entry of Order Granting Defendant's Motion to Consolidate the Note Cases [Dkt. 27 in the MTWR Case; Dkt. 24 in the Consolidated Case] [the "Consolidation Order"].

6. To date, no order adopting or rejecting the R&R, or otherwise ruling on the MTWR or Objection, was entered in either the Original Case or the Consolidated Case. The other Report and Recommendations issued by the Bankruptcy Court in the related District Court cases regarding the Notes, which were previously consolidated into this Court, were ruled on and adopted by the other District Courts prior to consolidation.

7. As requested in the Court's Electronic Order entered on January 12, 2022 [Dkt. 25], Defendant James Dondero files this motion to renew the pending motion and seek ruling on same.

WHEREFORE, Defendant James Dondero prays that this Court enter an order ruling on the MTWR and Objection that were originally filed in the Original Case.

Respectfully submitted,

STINSON LLP

/s/Deborah Deitsch-Perez

Deborah Deitsch-Perez

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CERTIFICATE OF SERVICE

I certify that on January 21, 2022, a true and correct copy of the foregoing document was served on all counsel of record via the Court's electronic filing system.

/s/ Deborah Deitsch-Perez

Deborah Deitsch-Perez