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Trustee of the Highland Litigation Sub-Trust*

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

In re:)	
)	Chapter 11
HIGHLAND CAPITAL MANAGEMENT,)	
L.P., ¹)	Case No. 19-34054-sgj11
Debtor.)	
)	
)	

**AGREED EMERGENCY MOTION FOR CONTINUANCE OF HEARING ON THE
LITIGATION TRUSTEE'S OMNIBUS OBJECTION TO CERTAIN AMENDED AND
SUPERSEDED CLAIMS AND ZERO DOLLAR CLAIMS AND CLO HOLDCO LTD.'S
MOTION TO RATIFY SECOND AMENDED PROOF OF CLAIM [CLAIM NO. 198]
AND RESPONSE TO OBJECTION TO CLAIM**

NOW COMES Marc S. Kirschner, as Litigation Trustee of the Litigation Sub-Trust (the "Litigation Trustee") and CLO Holdco, Ltd. ("CLO Holdco," and together with the Litigation Trustee, the "Parties"), filing this Agreed Emergency Motion for Continuance (the "Motion") of the hearing on the Litigation Trustee's *Omnibus Objection to Certain Amended and Superseded Claims and Zero Dollar Claims* [Docket No. 3001] (the "Objection") and CLO Holdco's *Motion to Ratify*

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



Second Amended Proof of Claim [Claim No. 198] and Response to Objection to Claim [Docket No. 3178] (the “Motion to Ratify”). In support of this Motion, the Litigation Trustee and CLO Holdco respectfully show the Court as follows:

1. WHEREAS, on November 9, 2021, the Litigation Trustee filed the Objection. Pursuant to the *Stipulation and Agreed Order Authorizing Withdrawal of Proofs of Claim Nos. 182, 184, 185, 187, 192, 214, 215, 242, 245, and 253* [Docket No. 3091], entered into between the Litigation Trustee on the one hand, and Frank Waterhouse, Scott Ellington, Isaac Leventon, and Jean-Paul Sevilla, on the other hand, proofs of claim numbers 182, 184, 185, 187, 192, 214, 215, 242, 245, and 253 have been withdrawn with prejudice. *See Order Approving Stipulation and Agreed Order Authorizing Withdrawal of Proofs of Claim Nos. 182, 184, 185, 187, 192, 214, 215, 242, 245, and 253* [Docket No. 3164]. Therefore, the only remaining proofs of claim that are subject to the Objection are Claim Nos. 133 and 198, held by CLO Holdco.

2. WHEREAS, on December 15, 2021, the Litigation Trustee filed the *Notice of Hearing for the Litigation Trustee’s Omnibus Objection to Certain Amended and Superseded Claims and Zero Dollar Claims*, setting a hearing on the Objection for February 28, 2022. [Docket No. 3121].

3. WHEREAS, on January 11, 2022, CLO Holdco filed the Motion to Ratify.

4. WHEREAS, on February 2, 2022, the Litigation Trustee filed an *Opposition to the Motion to Further Amend Zero Dollar Proof of Claim Filed by CLO Holdco, Ltd.* [Docket No. 3220] and on February 8, 2022, CLO Holdco filed a *Reply to Litigation Trustee’s Opposition to Motion to Further Amend Zero Dollar Proof of Claim Filed by CLO Holdco, Ltd.* [Docket No. 3223].

5. WHEREAS, on February 15, 2022, due to a scheduling conflict and after conference with the Court, the Parties obtained a rescheduled hearing date of March 10, 2022 at 10:30 a.m. Central Time, for the Court to determine whether the CLO Holdco has a viable proof of claim on file.

See Notice of Hearing [Docket No. 3237]. The Litigation Trustee subsequently filed an *Amended Notice of Hearing for the Litigation Trustee's Omnibus Objection to Certain Amended and Superseded Claims and Zero Dollar Claims* [Docket No. 3260], resetting the Objection for the same hearing setting.

6. WHEREAS, on March 9, 2022, the Parties filed the *Agreed Emergency Motion for Continuance of Hearing on the Litigation Trustee's Omnibus Objection to Certain Amended and Superseded Claims and Zero Dollar Claims and CLO Holdco Ltd.'s Motion to Ratify Second Amended Proof of Claim [Claim No. 198] and Response to Objection to Claim* [Docket No. 3304] (the "First Motion for Continuance"), requesting a continuance of the March 10, 2022 hearing until May 2, 2022, to provide the Parties additional time to engage in negotiations related to certain issues raised in the Objection and Motion to Ratify.

7. WHEREAS, on March 9, 2022, the Court granted the First Motion for Continuance [Docket No. 3305], resetting the Objection and Motion to Ratify for hearing on May 2, 2022 at 9:30 a.m. Central Time.

8. WHEREAS, the Parties are continuing to negotiate, and such negotiations will potentially limit or resolve the issues currently set for hearing on May 2. As such, the Litigation Trustee and CLO Holdco respectfully request a continuance of the hearing on the Objection and Motion to Ratify to **June 28, 2022 at 1:30 p.m. Central Time**.

9. WHEREAS, the Motion is being filed not for the purpose of delay, but solely to facilitate the Parties' ongoing negotiation of certain issues related to the Objection and the Motion to Ratify, and granting the request for relief would not prejudice any party in interest.

10. WHEREFORE, the Litigation Trustee and CLO Holdco respectfully request that the Court grant the relief requested herein and continue the hearing.

Dated: April 28, 2022
Dallas, Texas

Respectfully submitted,

SIDLEY AUSTIN LLP

/s/ Paige Holden Montgomery

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above document was sent via electronic mail via the Court's ECF system to parties authorized to receive electronic notice in this case on April 28, 2022.

/s/ Paige Holden Montgomery

Paige Holden Montgomery

EXHIBIT A

Proposed Order

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

In re:

HIGHLAND CAPITAL MANAGEMENT,
L.P.,²

Debtor.

)
) Chapter 11
)

) Case No. 19-34054-sgj11
)
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)

**ORDER GRANTING THE AGREED EMERGENCY MOTION FOR CONTINUANCE
OF HEARING ON THE LITIGATION TRUSTEE’S OMNIBUS OBJECTION TO
CERTAIN AMENDED AND SUPERSEDED CLAIMS AND ZERO DOLLAR CLAIMS
AND CLO HOLDCO LTD.’S MOTION TO RATIFY SECOND AMENDED PROOF OF
CLAIM [CLAIM NO. 198] AND RESPONSE TO OBJECTION TO CLAIM**

Upon consideration of the Agreed Emergency Motion to Continue Hearing (the “Motion”)

² The last four digits of the Reorganized Debtor’s taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor’s headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.

filed by the Litigation Trustee³ and CLO Holdco in the above-captioned case, requesting a continuance of the hearing on the Litigation Trustee's *Omnibus Objection to Certain Amended and Superseded Claims and Zero Dollar Claims* [Docket No. 3001] (the "Objection") and CLO Holdco's *Motion to Ratify Second Amended Proof of Claim [Claim No. 198] and Response to Objection to Claim* [Docket No. 3178] (the "Motion to Ratify"), the Court finds that the request is reasonable and should be granted. It is therefore **ORDERED THAT:**

1. The Motion is **GRANTED**.
2. The hearing on the Objection and the Motion to Ratify previously scheduled for May 2, 2022 at 9:30 a.m. Central Time is hereby continued to **June 28, 2022 at 1:30 p.m. Central Time** and will be conducted via WebEx videoconference.
3. The Litigation Trustee and CLO Holdco are authorized to take all actions necessary to effectuate the relief granted in this Order.
4. The Court retains all jurisdiction with respect to all matters arising from or relating to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

³ Capitalized terms used but not defined herein shall have the respective meanings given to them in the Motion.