PACHULSKI STANG ZIEHL & JONES LLP Jeffrey N. Pomerantz (CA Bar No. 143717) John A. Morris (NY Bar No. 2405397) Gregory V. Demo (NY Bar No. 5371992) Hayley R. Winograd (NY Bar No. 5612569)

10100 Santa Monica Blvd., 13th Floor

Los Angeles, CA 90067 Telephone: (310) 277-6910 Facsimile: (310) 201-0760

Email: jpomerantz@pszjlaw.com jmorris@pszjlaw.com gdemo@pszjlaw.com

hwinograd@pszjlaw.com

-and-

#### HAYWARD PLLC

Melissa S. Hayward (Texas Bar No. 24044908) Zachery Z. Annable (Texas Bar No. 24053075) 10501 N. Central Expy., Ste. 106

Dallas, Texas 75231

Telephone: (972) 755-7100 Facsimile: (972) 755-7110

Email: MHayward@HaywardFirm.com ZAnnable@HaywardFirm.com

Counsel for Highland Capital Management, L.P.

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

	_	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §	
Plaintiff,	§ §	
vs.	§ §	Adv. Proc. No. 21-03003-sgj
JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§ § §	Case No. 3:21-cv-00881-X
Defendants.	§ § 8	

HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ § § Adv. Proc. No. 21-03004-sgj
$\Gamma$ [4][1][1].	
vs.	§ § § Case No. 3:21-cv-00881-X
HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.,	§ § §
Defendant.	8 § §
	\$ \$ \$
Plaintiff,	§ Adv. Proc. No. 21-03005-sgj
	§ §
	§ Case No. 3:21-cv-00881-X §
Defendants.	§ §
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §
	<pre>\$ Adv. Proc. No. 21-03006-sgj \$  \$  \$  Case No. 3:21-cv-00881-X</pre>
VS.	§ §
NANCY DONDERO, AND THE DUGAROY	\$ Case No. 3:21-cv-00881-X
Defendants.	§ 8

Case 21-03007-sgj Doc 224 Filed 09/27/22 Entered 09/27/22 16:11:21 Desc Main Document Page 3 of 4

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

Vs.

Plaintiff,

Vs.

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

HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES

DONDERO, NANCY DONDERO, AND
THE DUGABOY INVESTMENT TRUST,

Defendants.

# HIGHLAND CAPITAL MANAGEMENT, L.P.'S RESPONSE TO DEFENDANTS' OBJECTIONS TO PLAINTIFF'S PROPOSED FORM OF JUDGMENT AWARDING ATTORNEY'S FEES AND COSTS

Highland Capital Management, L.P., the reorganized debtor and the plaintiff in the above-captioned adversary proceedings ("<u>Highland</u>" or "<u>Plaintiff</u>"), hereby files this response (the "<u>Response</u>") to *Defendants' Objections to Plaintiff's Proposed Form of Judgment Awarding Attorney's Fees and Costs* (the "<u>Objection</u>"). Highland fully incorporates by reference its contemporaneously filed brief (the "<u>Brief</u>") in response to the Objection and would show unto the Court as follows:

# RELIEF REQUESTED<sup>2</sup>

- 1. By this Response, Highland respectfully requests that the Court enter an order overruling the Objection.
  - 2. Pursuant to Rules 7.1(d) and (h) of the Local Civil Rules of the United States

<sup>&</sup>lt;sup>1</sup> The defendants (collectively, the "<u>Defendants</u>") filed identical copies of their Objection in each of the Adversary Proceedings. *See* Adv. Pro. No. 21-03003-sgj, Docket No. 204; Adv. Pro. No. 21-03004-sgj, Docket No. 173; Adv. Pro. No. 21-03005-sgj, Docket No. 221; Adv. Pro. No. 21-03006-sgj, Docket No. 226; Adv. Pro. No. 21-03007-sgj, Docket No. 221.

<sup>&</sup>lt;sup>2</sup> Capitalized terms shall have the meanings ascribed to them in the Brief.

District Court for the Northern District of Texas, Dallas Division (the "Local Rules"), the Brief is being filed contemporaneously with this Response and is incorporated by reference.

### **PRAYER**

WHEREFORE, Highland respectfully requests that the Court (i) overrule the Objection, and (ii) grant such other and further relief as the Court deems just and proper.

Dated: September 27, 2022 PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No. 143717) John A. Morris (NY Bar No. 2405397) Gregory V. Demo (NY Bar No. 5371992) Hayley R. Winograd (NY Bar No. 5612569) 10100 Santa Monica Blvd., 13th Floor Los Angeles, CA 90067

Telephone: (310) 277-6910 Facsimile: (310) 201-0760

Email: jpomerantz@pszjlaw.com jmorris@pszjlaw.com gdemo@pszjlaw.com hwinograd@pszjlaw.com

-and-

#### HAYWARD PLLC

/s/ Zachery Z. Annable

Melissa S. Hayward (Texas Bar No. 24044908) Zachery Z. Annable (Texas Bar No. 24053075) 10501 N. Central Expy, Ste. 106

Dallas, Texas 75231

Danias, Texas /3231

Telephone: (972) 755-7100 Facsimile: (972) 755-7110

Email: MHayward@HaywardFirm.com ZAnnable@HaywardFirm.com

Counsel for Highland Capital Management, L.P.