Entered 10/26/22 22:17:02 Decr Docket #0231 Date Filed: 10/26/2022 Case 21-03005-sgj Filed 10/26/22 Doc 231 Imaged Certificate or Nouce



CLERK, U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS

ENTERED THE DATE OF ENTRY IS ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed October 24, 2022

Hally H. C. Jamp United States Bankruptcy Judge

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

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



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HIGHLAND CAPITAL MANAGEMENT, L.P.,	\$ \$
Plaintiff,	§ § Adv. Proc. No. 21-03004-sgj §
VS.	§
HIGHLAND CAPITAL MANAGEMENT FUND	<pre>§ § § Case No. 3:21-cv-00881-X §</pre>
ADVISORS, L.P.,	§.
	\$ \$ \$ \$
Defendant.	\$ \$ \$
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §
Plaintiff,	<pre>§</pre>
VS.	\$ \$
NEXPOINT ADVISORS, L.P., JAMES DONDERO, NANCY DONDERO, AND	§ Case No. 3:21-cv-00881-X
THE DUGABOY INVESTMENT TRUST,	§ §
Defendants.	\$ \$
HIGHLAND CAPITAL MANAGEMENT, L.P.,	\$ \$
Plaintiff,	§ Adv. Proc. No. 21-03006-sgj
VS.	\$ \$
HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO,	§ Case No. 3:21-cv-00881-X
NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	\$ \$ \$ \$
,	8
Defendants.	\$ §

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HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §	
Plaintiff,	\$ \$ \$	Adv. Proc. No. 21-03007-sgj
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.	ş	

ORDER GRANTING HIGHLAND CAPITAL MANAGEMENT, L.P.'S MOTION FOR LEAVE TO SUPPLEMENT BACKUP DOCUMENTATION IN SUPPORT OF PROPOSED JUDGMENT

Upon consideration of *Highland Capital Management, L.P.'s Motion for Leave to Supplement Backup Documentation in Support of Proposed Judgment* (the "<u>Motion</u>")¹ filed by Highland Capital Management, L.P. ("<u>Highland</u>" or "<u>Plaintiff</u>"), the plaintiff in the abovecaptioned Adversary Proceedings,² (a) the arguments and evidence set forth in the Motion; (b) the *Declaration of John A. Morris in Support of Highland Capital Management, L.P.'s Motion for Leave to Supplement Backup Documentation in Support of Proposed Judgment* and the exhibits annexed thereto;³ (c) the arguments set forth in *Defendants' Opposition to Highland Capital Management, L.P.'s Motion for Leave to Supplement Backup Documentation in Support of Proposed Judgment*;⁴ and (d) the arguments set forth in *Highland Capital Management L.P.'s*

¹ Adv. Proc. Nos. 21-03003-sgj, Docket No. 205; 21-03004-sgj, Docket No. 174; 21-03005-sgj, Docket No. 222; 21-03006-sgj, Docket No. 227; 21-03007-sgj, Docket No. 222.

² Capitalized terms not defined herein shall have the meanings ascribed thereto in the Motion.

³ Adv. Proc. Nos. 21-3003, Docket No. 206; 21-3004, Docket No. 175; 21-3005, Docket No. 223; 21-3006, Docket No. 228; 21-3007, Docket No. 223.

⁴ Adv. Proc. Nos. 21-3003, Docket No. 210; 21-3004, Docket No. 179; 21-3005, Docket No. 227; 21-3006, Docket No. 232; 21-3007, Docket No. 227.

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Reply in Further Support of Its Motion for Leave to Supplement Backup Documentation in Support

of Proposed Judgment;⁵ and this Court having jurisdiction over this matter pursuant to 28 U.S.C.

§§ 157 and 1334; and this Court having found that venue of this proceeding and the Motion in this

District is proper pursuant to 28 U.S.C. § 1409; and this Court having found that Plaintiff's notice

of the Motion was appropriate and that no other notice need be provided; and upon all of the

proceedings had before this Court; and after due deliberation and sufficient cause appearing

therefor, the Court:

FINDS AND DETERMINES THAT:

- 1. Plaintiff's omission of the Supplemental Invoices appears to have been <u>inadvertent</u> (given that the amounts set forth therein were included in Highland's total fee request); and
- 2. The Court views there to be <u>no prejudice</u> to Defendants in granting the requested leave (given that Defendants apparently had 28 days to review the Supplemental Invoices and chose simply to oppose the Motion rather than comment on the invoices—in the alternative—as to their reasonableness or lack thereof); and based on the foregoing, it is

HEREBY ORDERED THAT:

- 1. The Motion is **GRANTED**.
- 2. The Backup Documentation to the Notice of Attorneys' Fees in support of the Proposed Judgment is hereby deemed supplemented with the Supplemental Invoices.

###End of Order###

⁵ Adv. Proc. Nos. 21-03003-sgj, Docket No. 211; 21-03004-sgj, Docket No. 180; 21-03005-sgj, Docket No. 228; 21-03006-sgj, Docket No. 233; 21-03007-sgj, Docket No. 228.

			ate of Notice Page 5 C tates Bankruptcy Court	01 0	
		Northe	ern District of Texas		
Highland Cap	pital Ma	nagement, L.P.,			
Plaintiff			Adv. Proc. No. 21-03005-sgj		
NexPoint Ad	visors, l				
Defen	dant				
		CERTIFIC	CATE OF NOTICE		
District/off: ()539-3	Use	er: admin	Page 1 of 2	
Date Rcvd: C	Oct 24, 2	022 For	rm ID: pdf001	Total Noticed: 3	
The following sy Symbol	mbols ar Definiti	e used throughout this certificate:			
+		es marked '+' were corrected by inserting the ZIP ons require that automation-compatible mail disp		e the zip +4, or replacing an incorrect ZIP. USPS	
Notice by first o	lass mail	was sent to the following persons/entities by t	he Bankruptcy Noticing Center on (Oct 26, 2022:	
Recip ID dft	+	Recipient Name and Address + NexPoint Advisors, L.P., K&L Gates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806			
TOTAL: 1					
		smission was sent to the following persons/ent cludes sending notices via email (Email/text and		nter. change (EDI). Electronic transmission is in Eastern	
Recip ID		Notice Type: Email Address	Date/Time	Recipient Name and Address	
ust	+	+ Email/Text: ustpregion06.da.ecf@usdoj.gov	Oct 24 2022 21:40:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996	
ust	+	Email/Text: ustpregion07.au.ecf@usdoj.gov	Oct 24 2022 21:40:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450	

Filed 10/26/22

Entered 10/26/22 23:17:02

Desc

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS. NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 26, 2022

Signature:

/s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 24, 2022 at the address(es) listed below:

Name

Davor Rukavina

Email Address

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on behalf of Defendant NexPoint Advisors L.P. drukavina@munsch.com

Deborah Rose Deitsch-Perez

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	Imaged Certificate of Notice Page 6 of 6					
District/off: 0539-3	User: admin	Page 2 of 2				
Date Rcvd: Oct 24, 2022	Form ID: pdf001	Total Noticed: 3				
	on behalf of Defendant James Dondero deborah.deitschperez@stinson.com patricia.tomasky@stinson.com;kinga.mccoy@stinson.com					
Deborah Rose Deitsch-Perez	on behalf of Defendant The Dugaboy Investment Trust deborah.deitschperez@stinson.com patricia.tomasky@stinson.com;kinga.mccoy@stinson.com					
Deborah Rose Deitsch-Perez	on behalf of Defendant NexPoint Advisors L.P. deborah.deitschperez@stinson.com, patricia.tomasky@stinson.com;kinga.mccoy@stinson.com					
Deborah Rose Deitsch-Perez	on behalf of Defendant Nancy Dondero deborah.deitschperez@stinson.com patricia.tomasky@stinson.com;kinga.mccoy@stinson.com					
Douglas S. Draper	on behalf of Defendant The Dugaboy Investment Trust ddraper@hellerdraper.com dhepting@hellerdraper.com;vgamble@hellerdraper.com;mlandis@hellerdraper.com;gbrouphy@hellerdraper	.com				
Greta M. Brouphy	on behalf of Defendant The Dugaboy Investment Trust gbrouphy@hellerdraper.com dhepting@hellerdraper.com;vgamble@hellerdraper.com					
Julian Preston Vasek	on behalf of Defendant NexPoint Advisors L.P. jvasek@munsch.com					
Juliana Hoffman	on behalf of Creditor Committee Official Committee of Unsecured Creditors jhoffman@sidley.com txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com					
Leslie A. Collins	on behalf of Defendant The Dugaboy Investment Trust lcollins@hellerdraper.com					
Melissa S. Hayward	on behalf of Plaintiff Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@Hayv	vardFirm.com				
Michael P. Aigen	on behalf of Defendant Nancy Dondero michael.aigen@stinson.com stephanie.gratt@stinson.com					
Michael P. Aigen	on behalf of Defendant James Dondero michael.aigen@stinson.com stephanie.gratt@stinson.com					
Paige Holden Montgomery	on behalf of Creditor Committee Official Committee of Unsecured Creditors pmontgomery@sidley.com txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;crognes@sidley.com;ebromagen@ ce@sidley.com	sidley.com;efilingnoti				
Zachery Z. Annable	on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com					
TOTAL: 15						