Entered 10/26/22 22:17:02 Decr Docket #0236 Date Filed: 10/26/2022 Doc 236 Filed 10/26/22 Case 21-03006-sgj 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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	8	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	ş Ş Ş	
Plaintiff,	§	Adv. Proc. No. 21-03004-sgj
VS.	ş	
HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.,	\$ \$ \$ \$ \$ \$ \$ \$	Case No. 3:21-cv-00881-X
Defendant.	§ § §	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §	
Plaintiff,	§	Adv. Proc. No. 21-03005-sgj
VS.	§ § §	
NEXPOINT ADVISORS, L.P., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§ § § §	Case No. 3:21-cv-00881-X
Defendants.	§ §	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	Ş Ş Ş	
Plaintiff,	§	Adv. Proc. No. 21-03006-sgj
VS.	§ §	
HIGHLAND CAPITAL MANAGEMENT SERVICES, INC., JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,	§ § § § § §	Case No. 3:21-cv-00881-X
Defendants.	§ §	

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HIGHLAND CAPITAL MANAGEMENT, L.P.,	§ §	
Plaintiff,	ş ş ş	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,	§	
	ş	
	8	
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>")<sup>1</sup> filed by Highland Capital Management, L.P. ("<u>Highland</u>" or "<u>Plaintiff</u>"), the plaintiff in the abovecaptioned Adversary Proceedings,<sup>2</sup> (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;<sup>3</sup> (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*;<sup>4</sup> and (d) the arguments set forth in *Highland Capital Management L.P.'s* 

<sup>&</sup>lt;sup>1</sup> 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.

<sup>&</sup>lt;sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed thereto in the Motion.

<sup>&</sup>lt;sup>3</sup> 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.

<sup>&</sup>lt;sup>4</sup> 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;<sup>5</sup> 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###

<sup>&</sup>lt;sup>5</sup> 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.

Cus	Imaged Certificate	e of Notice Page 5 c es Bankruptcy Court			
		District of Texas			
Highland Capital	l Management, L.P.,				
Plaintiff		Adv. Proc. No. 21-03006-sgj			
Highland Capital	l Management Services, In,				
Defendan					
	CERTIFICA	ATE OF NOTICE			
District/off: 0539	9-3 User:	admin	Page 1 of 2		
Date Rcvd: Oct 2	24, 2022 Form	ID: pdf001	Total Noticed: 3		
	ols are used throughout this certificate:				
+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.					
Recip ID aty TOTAL: 1 Notice by electronic	<ul> <li>mail was sent to the following persons/entities by the Recipient Name and Address</li> <li>+ Jeremy A. Root, Stinson LLP, 230 W. McCarty St</li> <li>transmission was sent to the following persons/entiti on includes sending notices via email (Email/text and En Notice Type: Email Address</li> <li>+ Email/Text: ustpregion06.da.ecf@usdoj.gov</li> </ul>	reet, Jefferson City, MO 65101-155	3 nter.		
ust	+ Email/Text: ustpregion07.au.ecf@usdoj.gov	Oct 24 2022 21:40:00	Room 976, Dallas, TX 75242-0996 United States Trustee - AU12, United States		
		00124 2022 21.40.00	Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450		
TOTAL: 2					

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Desc

Case 21-03006-sqj

Doc 236

# **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

**Email Address** 

Deborah Rose Deitsch-Perez

on behalf of Defendant James Dondero deborah.deitschperez@stinson.com patricia.tomasky@stinson.com;kinga.mccoy@stinson.com

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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@sidley.com;efilingnoti ce@sidley.com

on behalf of Defendant Nancy Dondero michael.aigen@stinson.com stephanie.gratt@stinson.com

on behalf of Defendant James Dondero michael.aigen@stinson.com stephanie.gratt@stinson.com

on behalf of Plaintiff Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@HaywardFirm.com

on behalf of Defendant Highland Capital Management Services Inc. michael.aigen@stinson.com, stephanie.gratt@stinson.com

on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

ey@sidley.com

TOTAL: 15

Melissa S. Hayward

Michael P. Aigen

Michael P. Aigen

Michael P. Aigen

Zachery Z. Annable