

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 January 31, 2023

Harry G. C. Gammie
United States Bankruptcy Judge

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

IN RE:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.

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Bankr. Case. No. 19-34054-sgj-11

**ORDER DENYING AS MOOT THE HIGHLAND PARTIES' MOTION TO QUASH
SUBPOENAS SERVED BY THE DUGABOY INVESTMENT TRUST OR FOR A
PROTECTIVE ORDER [DE #3520]**

On September 14, 2022, Highland Capital Management, L.P. ("Highland") filed *The Highland Parties' Motion to Quash Subpoenas Served by The Dugaboy Investment Trust or for a Protective Order* ("Motion to Quash") [DE#3520], seeking an order from this court quashing four subpoenas attached to the Motion to Quash as Exhibits 1 through 4 that were issued by The Dugaboy Investment Trust ("Dugaboy") and served on Highland, HCMLP GP, LLC, the HCMLP Claimant Trust, and Development Specialists, Inc. in connection with a contested matter initiated by Dugaboy by the filing, on June 30, 2022, of its *Motion for the Determination of the Value of the*



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Estate and Assets Held by the Claimant Trust (the “Valuation Motion”) [DE #3382]¹ seeking to have the Court determine “the current value of the estate and an accounting of the assets currently held the Claimant Trust and available for distribution to creditors.” Valuation Motion, at 1.

A status hearing was held on the Valuation Motions and the Motion to Quash on November 15, 2022, during which the court expressed concerns regarding the procedural posture of the Valuation Motions: whether the relief sought in the Valuation Motions must be requested in an adversary proceeding. Following briefing on the procedural issue, on December 7, 2022, the court entered its December 6, 2022 *Order Denying Motion [DE #3382] and Supplemental Motion [DE #3533] of Dugaboy Investment Trust Due to Procedural Deficiency: Adversary Proceeding Is Required* (“Order Denying Valuation Motions”) [DE #3645], denying the Valuation Motions as procedurally deficient, without prejudice to the filing of an adversary proceeding to seek the relief sought in the Valuation Motions. The entry of the Order Denying Valuation Motions has rendered the pending Motion to Quash moot. Accordingly,

IT IS ORDERED that the Motion to Quash, be, and hereby is, **DENIED**, as moot.

¹ On September 21, 2022, Dugaboy filed a “*Supplemental and Amended Motion for Determination of the Value of the Estate and Assets Held by the Claimant Trust*” [DE# 3533] (together with the Valuation Motion, the “Valuation Motions”).