# IN THE UNITED STATE DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

THE DUGABOY INVESTMENT TRUST,

Plaintiff,

V.

Case No. 1:23-cv-01636-MKV

HIGHLAND SELECT EQUITY MASTER
FUND, L.P. and HIGHLAND SELECT
EQUITY FUND GP, L.P.,

Defendants.

B

Defendants.

### **SUGGESTION OF BANKRUPTCY**

#### TO THE HONORABLE JUDGE OF SAID COURT:

- 1. The undersigned has knowledge that Highland Select Equity Master Fund, L.P. and Highland Select Equity Fund GP, L.P. (the "*Defendants*"), filed voluntary petitions for relief under Chapter 7 of the United States Bankruptcy Code on May 25, 2023, in the United States Bankruptcy Court for the Northern District of Texas, Case Nos. 23-31037-swe7 and 23-31039-mvl7. A true and correct copy of the Notices of Bankruptcy Case Filings are attached as Exhibits 1 and 2.
- 2. As a result of the bankruptcy filing, the automatic stay provisions provided by section 362 of the Bankruptcy Code prohibit the commencement or continuation of any actions against the Defendants or property of their bankruptcy estates. Accordingly, this proceeding must be stayed.
- 3. The undersigned counsel does not represent the Defendants in this lawsuit, and nothing herein shall be deemed an appearance as counsel for the Defendants in this lawsuit. The purpose of this notice is merely to notify the Court and other parties of Defendants' bankruptcy filings and the imposition of the automatic stay under the Bankruptcy Code.



**SUGGESTION OF BANKRUPTCY** - Page 1

WHEREFORE, PREMISES CONSIDERED, the undersigned requests that the Court take notice of the bankruptcy filing by the Defendants.

Respectfully submitted,

QUILLING, SELANDER, LOWNDS, WINSLETT & MOSER, P.C. 2001 Bryan Street, Suite 1800 Dallas, Texas 75201 (214) 871-2100 (Telephone) (214) 871-2111 (Facsimile) Hjobe@qslwm.com

By: <u>/s/ Hudson M. Jobe</u> Hudson M. Jobe Texas Bar No. 24041189

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served concurrently with filing on the following through the Court's electronic noticing system:

Mazin A. Sbaiti SBAITI & COMPANY PLLC 2200 Ross Avenue, Suite 4900W Dallas, TX 75201

/s/ Hudson Jobe
Hudson Jobe

# Case 23C315037:250ve7-01D66-2MKF/ileD05//25/2816EinteFed:05//25/23316P18g43LoDesc Ch 7 First Mtg Corp No POC Page 1 of 2

Information to identify the case:

Debtor Highland Select Equity Master Fund, L.P. EIN: 98-0520466

Name

United States Bankruptcy Court Northern District of Texas Date case filed for chapter: 7 5/25/23

Case number: 23-31037-swe7

## Official Form 309C (For Corporations or Partnerships)

## Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline

10/20

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <a href="https://pacer.uscourts.gov">https://pacer.uscourts.gov</a>).

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.						
1.	Debtor's full name	Highland Select Equity Master Fund, L.P.				
2.	All other names used in the last 8 years					
3.	Address	100 Crescent Court, Suite 1850 Dallas, TX 75201				
4.	Debtor's attorney	Hudson M. Jobe	Contact Phone: (214) 871-2100			
	Name and address	Quilling, Selander, Lownds, et al 2001 Bryan Street, Suite 1800 Dallas, TX 75201	Email: hjobe@qslwm.com			
5.	Bankruptcy trustee Name and address	Scott M. Seidel Seidel Law Firm	Contact Phone: (214) 234-2500			
		6505 W. Park Blvd., Suite 306 Plano, TX 75093	Email: scott@scottseidel.com			
6.	Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at	1100 Commerce Street Room 1254	Hours open: MonFri 8:30-4:30			
		Dallas, TX 75242	Contact Phone: 214–753–2000			
	https://pacer.uscourts.gov.		Date: 5/25/23			
7.	Meeting of creditors	June 20, 2023 at 12:20 PM	Trustee: Scott M. Seidel			
	The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	BY TELEPHONE	Toll free number: <b>877–558–6034</b> Alternate number: <b>517–233–6351</b> Participant Code: <b>4157023</b>			
		The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	Panticipant Code: 4137023			
	Debtor attorneys will be responsible for verifying both the debtors' photo ID and the debtors' social security number on the reco are a pro se debtor who appears by telephone, the trustee may require that you appear at a continued meeting in order to preser proof of identification and social security number and to affirm that you were the one who testified at the telephonic meeting.					
8.	Proof of claim	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now.				
	Please do not file a proof of claim unless you receive a notice to do so.  If it later appears that assets are available to pay creditors, the clerk will send you another notice that you may file a proof of claim and stating the deadline.		elerk will send you another notice telling you			
9.	Creditors with a foreign address					

# Case 23C315037:-25we7-01D066-2MKF/ileD051/25f2816EInteFedc05625f22316P18g432 oDesc Ch 7 First Mtg Corp No POC Page 2 of 2

### INFORMATION FOR THE TELEPHONIC § 341 MEETING OF CREDITORS

Because of developing issues with the COVID-19 virus and the national declaration of emergency by the President of the United States, § 341 Meetings of Creditors (?Meetings?) will be conducted telephonically. The telephone call in numbers and participant code are found on the enclosed Notice.

#### **Additional Dial-In Information:**

- (1) You must use a touch—tone phone to participate.
- (2) <u>Landline preferred</u>. If you have a choice, use a landline phone, instead of a cell phone. Do not use a speaker phone.
- (3) Dial the call—in number and then enter the participant code, which consists of 7 numbers and is followed by a # sign. Immediately place your phone on mute.
- (4) Make the call from a quiet area where there is as little background noise as possible.
- (5) As more than one Meeting will be held during this period, listen for your case to be called. When your case is called, unmute your phone and identify yourself.
- (6) When speaking during your case, identify yourself.
- (7) Do not put the phone on hold at any time after the call is connected.
- (8) If any party is attending the Meeting from the same location as another party, use separate touch—tone phones to participate.
- (9) Once the case Meeting is finished, hang up.
- (10) If you become disconnected before your Meeting is finished, call back.

#### **Bankruptcy Documents:**

Debtors should have their bankruptcy documents available in the event there are questions about the information in the documents.

**Recording:** The Meetings will be recorded by the trustee or United States Trustee.

## Case 2353150319:213 vt7-010006:2MKF/ile 00 05//25/2/3 16E/hteFidd 005//205/2316F3303601 olDesc Ch 7 First Mtg Corp No POC Page 1 of 2

Information to identify the case:

Debtor Highland Select Equity Fund GP, L.P. EIN: 20-3899917

Name

United States Bankruptcy Court Northern District of Texas Date case filed for chapter: 7 5/25/23

Case number: 23-31039-mvl7

## Official Form 309C (For Corporations or Partnerships)

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This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read all pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <a href="https://pacer.uscourts.gov">https://pacer.uscourts.gov</a>).

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9.	Creditors with a foreign address					

# Case 2353150319-213 vt7-0105062 MKF/ile 00 05/25/203 16E/hteFeld 00 5/2/05/23 31.6F3353602 old 2 esc Ch 7 First Mtg Corp No POC Page 2 of 2

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