

CIVIL ACTION NO. 3:23-CV-1503-B

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

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In re: HIGHLAND CAPITAL MANAGEMENT, L.P.,  
Reorganized Debtor.

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CHARITABLE DAF FUND, L.P.  
and CLO HOLDCO, LTD.,

*Appellants,*

v.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

*Appellee.*

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On Appeal from the United States Bankruptcy Court for the Northern District  
of Texas, Adversary No. 21-03067-sg, Hon. Stacey G.C. Jernigan, Presiding

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**UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE APPELLANTS' OPENING BRIEF**

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Counsel for Appellants



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Appellants Charitable DAF Fund, L.P. and CLO Holdco, Ltd. move this Court for a three-week extension of time in which to file Appellants' opening brief in this appeal of the Bankruptcy Court's Order Granting Defendant Highland Capital Management, L.P.'s "Renewed Motion to Dismiss Complaint." Appellants represent as follows:

1.

The appellate record in this matter was transmitted to this Court on September 11, 2023, and Appellants' opening brief is currently due on October 11, 2023.

2.

Since the transmission of the appellate record, Appellants' counsel has been preparing for and taking multiple depositions weekly in *U.S. Bank, National Association, in its capacity as Trustee, Joshua N. Terry and Acis Capital Management, L.P. v. The Charitable Donor Advised Fund, L.P., CLO Holdco, Ltd., and NexPoint Diversified Real Estate Trust*, Case No. 1:21-cv-11059 (GHW), in the United States District Court for the Southern District of New York, and currently has four additional depositions scheduled through October 5, 2023, as well as expert designations and a report due on October 13, 2023.

Appellants' counsel also has the following deadlines:

- Response to motion to dismiss due on September 27, 2023, in *United States of America ex rel. Michael J. Fisher, et al v. Wells Fargo Bank, N.A.*, Case No. 4:16-cv-00394-ALM, United States District Court for the Eastern District of Texas.
- Response to motion for partial summary judgment due on October 6, 2023, in *Salt and Light Energy Equipment, LLC v. Origin Bancorp, Inc. dba Origin Bank*, Civil Action No. 3:22-cv-00654-N, United States District Court for the Northern District of Texas.

3.

For the above reasons, Appellants respectfully request a three-week extension of time to file their opening brief to and including November 1, 2023. Appellants' counsel has conferred with Appellee's counsel who is not opposed to the requested three-week extension.

Dated: September 22, 2023

Respectfully submitted,

/s/ Mazin A. Sbaiti

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Counsel for Appellants

**CERTIFICATE OF CONFERENCE**

I hereby certify that on September 18, 2023, I conferred with counsel for Appellee, who stated that Appellee is agreeable to the requested three-week extension of Appellants' opening brief deadline to and including November 1, 2023.

/s/ Mazin A. Sbaiti

Mazin A. Sbaiti

**CERTIFICATE OF SERVICE**

I hereby certify that on September 22, 2023, a true and correct copy of the foregoing document was served electronically upon all parties via the Court's CM/ECF system.

/s/ Mazin A. Sbaiti

Mazin A. Sbaiti

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

In re:	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	Case No. 19-34054-sgj11
	§	
Debtor.	§	
	§	
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CHARITABLE DAF FUND, L.P. and	§	
CLO HOLDCO, LTD.,	§	
	§	
Appellants,	§	
	§	
v.	§	
	§	Case No. 3:23-CV-1503-B
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Appellee.	§	
	§	
	§	
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**ORDER**

Having considered Appellants' *Unopposed Motion for Extension of Time to File Appellants' Opening Brief*, the Court finds and concludes that the relief requested by Appellants in the Motion is warranted.

IT IS ORDERED that the deadline for Appellants to file their opening brief is extended to and including November 1, 2023.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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The Honorable David C. Godbey  
United States District Judge