

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

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

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

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

Appellants,

v.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Appellee.

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

**HIGHLAND CAPITAL MANAGEMENT, L.P.'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO FILE RESPONSE**

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Highland Capital Management, L.P. (“Highland”), the appellee in the above-captioned appeal (the “Appeal”), hereby submits this *Unopposed Motion for Extension of Time to File Response* (the “Motion”) seeking an extension of the deadline to file its response (the “Response”) to the *Brief of Appellants the Charitable DAF Fund, L.P. and CLO Holdco, Ltd.* [Docket No. 22] (the “Opening Brief”) filed by the Charitable DAF Fund, L.P. and CLO Holdco, Ltd. (“Appellants”) in the above-captioned appeal (the “Appeal”). In support of its Motion, Highland states as follows:

I. BACKGROUND

1. The appellate record in the Appeal was transmitted to this Court on September 11, 2023 [Docket No. 18], and Appellants’ Opening Brief was due on October 11, 2023. *See* FED. R. BANKR. P. 8018(a)(1).

2. On September 20, 2023, Appellants filed their *Unopposed Motion for Extension of Time to File Appellants’ Opening Brief* [Docket No. 20] (“Appellants’ Motion”) requesting an extension of time to file their Opening Brief through and including November 1, 2023. On September 25, 2023, the Court granted Appellants’ Motion. [*See* Docket No. 21]. Accordingly, Appellants filed their Opening Brief on November 1, 2023. [*See* Docket No. 22].

3. Highland’s Response is currently due on December 1, 2023. [*See* Docket No. 21] (the “Current Deadline”). However, due to a number of conflicting obligations and deadlines, it will be difficult for Highland to complete its Response by the Current Deadline.

II. RELIEF REQUESTED

4. Through this Motion, Highland respectfully requests a 21-day extension—to December 22, 2023—by which it must file its Response.

5. Good cause exists for the requested extension. Counsel for Highland in charge of preparing the Response has numerous professional and personal conflicts in the next couple of weeks which would make it difficult for counsel to devote the requisite time to drafting the Response. A 21-day extension will provide counsel with sufficient time to address the Response.

6. Accordingly, for the foregoing reasons, Highland respectfully requests that the Court extend the deadline for Highland to file its Response from December 1, 2023, to December 22, 2023.

7. As indicated in the Certificate of Conference below, Plaintiffs' counsel is **UNOPPOSED** to the requested extension.

III. CONCLUSION

WHEREFORE, Highland respectfully requests that the Court enter an order (i) granting the Motion, (ii) extending the deadline for Highland to file its Response from December 1, 2023 to December 22, 2023, and (iii) granting Highland such other and further relief as may be just and proper.

[Remainder of Page Intentionally Blank]

Dated: November 7, 2023

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on September 22, 2023, counsel for Highland corresponded with counsel for Appellants regarding the relief requested in the foregoing Motion. Appellants' counsel advised counsel for Highland that Appellants are **UNOPPOSED** to the relief requested in the Motion.

/s/ Zachery Z. Annable
Zachery Z. Annable

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**ORDER GRANTING HIGHLAND CAPITAL MANAGEMENT, L.P.’S
UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE**

Having considered the *Unopposed Motion for Extension of Time to File Response* (the “Motion”) filed by Highland Capital Management, L.P. (“Highland”),¹ the Court finds and concludes that good cause exists to grant the Motion. **IT IS THEREFORE ORDERED THAT:**

1. The Motion is **GRANTED** as set forth herein.
2. Highland is authorized to file its Response on or before December 22, 2023.

It is so ordered this ____ day of _____, 2023.

The Honorable Jane J. Boyle
United States District Judge

¹ Capitalized terms not otherwise defined in this Order shall have the meanings given to them in the Motion.