

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: EP Liquidation, LLC
Debtor

Charles A. Stanziale, solely in his capacity :
as Chapter 7 Trustee of EP Liquidation, :
LLC :
Appellant, :
v. :
Brookfield Equinox, LLC :
Appellee. :

C. A. No. 15-309-LPS

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
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RECOMMENDATION

At Wilmington this 29th day of **June, 2015**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. The Order subject to this appeal denied the Trustee's request for Brookfield to produce certain documents created after the February 6, 2014 closing of the transaction embodied in the Asset Purchase Agreement between Equinox Payments, LLC (n/k/a EP Liquidation, LLC) and Brookfield Equinox, LLC. In light of the

issues on appeal, the parties do not believe that mediation is appropriate and request that the Court enter an order withdrawing the matter from mediation to allow the appellate process to resume.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Through this Recommendation, the parties are advised of their right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. In light of the parties' joint request to remove this matter from mandatory mediation, it is unlikely any objections will be filed to this Recommendation

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE