

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

In re: Sierra Concrete Design Inc., et al.

Jeoffrey L. Burtch,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 15-663-RGA
	:	
Revchem Composites Inc.,	:	Bankruptcy Case No. 10-52667(CSS)
	:	AP No. 15-41
Appellee.	:	

RECOMMENDATION

At Wilmington this 17th day of **September, 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 parties previously attempted early mediation in this case, but were never close to resolution. Further settlement discussions occurred before trial, but the parties remained far apart. Appellee (Revchem Compositions) contends that under the present posture, settlement value is very low. Appellant (Trustee) firmly believes mediation

would not be worthwhile.

Absent mediation, Appellee requests a period of 45-60 days for each stage of the briefing. The Appellant requests at least 60 days for the opening brief.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.

IT IS FURTHER RECOMMENDED that the parties proposals regarding the schedule for briefing be adopted with the Appellant's initial or opening brief do within sixty (60) days from entry of the brief schedule order.

Through this Recommendation, the parties are advised of their right to file objections pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. Any objection must be filed within ten (10) days of service of this Recommendation and any response must be filed within ten (10) days of service of the objection. The objection and response are each limited to three (3) pages.

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

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE