

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: IN RE: PROMMIS HOLDINGS LLC :

Debtors. :

EDWARD TIDWELL, :

Appellant, :

v. :

JP MORGAN CHASE BANK, N.A.
CHASE HOME FINANCE LLC, :

Appellees, :

C. A. No. 15-704-GMS
Bankruptcy Case No. 13-10551 (BLS)
BAP No 15-44

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2015 AUG 24 AM 9:55

Recommendation

At Wilmington this 24th day of **August, 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 a review of the decision of the Bankruptcy Court date July 30, 2015 which granted Appellees' motion to dismiss Appellant's adversary proceeding, upon which this appeal is based, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

The Memorandum Order of the Honorable Brendan L. Shannon determined that

Appellant's claims exist outside of bankruptcy under the law and as evidenced by Appellant's prior filings in a state court in California, and do not relate to, do not arise under and do not arise in bankruptcy, and thus the Bankruptcy Court did not have jurisdiction over Appellant's claim. The court further noted that Appellant's motion seeking leave to file his late claim was denied from which no appeal was taken. The issues in this matter clearly are purely legal, and therefore are not conducive to mediation.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation. 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. Any objections to this Recommendation shall be filed within fourteen (14) days after being served with the same, and limited to five (5) pages,. Any response must be filed within fourteen (14) days after service of objections and is limited to five (5) pages. The parties are further directed to the Court's Standing Order in Pro Se matters for Objections Filed under FED. R. CIV. P. 72 dated October 9, 2013, a copy of which is available on the court's website, www.ded.uscourts.gov.

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

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE