

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

In re: Vertis Holdings, Inc., et al.	:	
	:	Bankruptcy Case No. 12-12821 (CSS)
Debtor.	:	BAP No. 15-49
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Riverside Acquisition Group LLC,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 15-867-RGA
	:	
Vertis Holdings, Inc., Vertis, Inc., 5 Digit Plus, LLC, Quad/Graphics Marketing, LLC,	:	
	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this **19th** day of **October , 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 to this appeal participated in a mediation conducted by the Honorable Joseph R. Sights, pursuant to the Local Rules of Bankruptcy Practice and Procedure of the United states Bankruptcy Court for the District of Delaware. This mediation occurred after briefing was completed on

Appellees' respective motions for summary judgment and Appellant's motion for leave to file a first amended verified complaint. On September 11, 2015, the Bankruptcy Court issued its opinion and order granting Appellees' motions on all counts and denied Appellant's motion to add additional counts. In light of the status of this matter, neither party feels that further mediation would be beneficial.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Since the parties are in agreement regarding mandatory mediation, no objection 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 is expected.

IT IS FURTHER RECOMMENDED that consistent with the parties' request, the following briefing schedule be entered:

Appellant's opening brief	November 13, 2015
Appellees' answering briefs	January 15, 2016
Appellant's reply brief	February 5, 2016

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

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE