

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

In re: Culp et al. : Bankruptcy No. 14-11592
: BAP 15-52, 15-55, 15-56

Debtors.

MARK A. CULP and PATRICIA J.
CHAMBERLAIN,

Appellants,

v.

C. A. No. 15-914-LPS

CHARLES A. STANZIALE, JR.,

Appellee.

MARK A. CULP and PATRICIA J.
CHAMBERLAIN,

Appellants,

v.

C. A. No. 15-916-LPS

CHARLES A. STANZIALE, JR.,

Appellee.

MARK A. CULP and PATRICIA J.
CHAMBERLAIN,

Appellants,

v.

C. A. No. 15-917-LPS

CHARLES A. STANZIALE, JR.,

Appellee.

RECOMMENDATION

At Wilmington this **26th** 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. Previous attempts to resolve the disputes between the parties, Debtors-Appellants and Trustee-Appellee, have been unsuccessful. This appeal is from an Order Approving the Sale of the Debtors' Real Property and Granting Related Relief. Neither party feels mediation would be beneficial at this stage.

Appellants proposed a 30-30-15 day briefing schedule to which the Trustee has not yet responded.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties through this Recommendation were advised of their right to file objections to it pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. Because the parties are in agreement regarding mandatory mediation, no objections are anticipated.

IT IS FURTHER RECOMMENDED at the request of the Appellants that they be given 30 days to file their Opening Briefs.

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

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE