

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

<p>In re: Culp et al.</p>	<p>:</p>	<p>Bankruptcy No. 14-11592</p>
	<p>:</p>	<p>BAP 15-52, 15-55, 15-56</p>
<p>Debtors.</p>	<p>:</p>	
<p>MARK A. CULP and PATRICIA J. CHAMBERLAIN,</p>	<p>:</p>	
<p>Appellants,</p>	<p>:</p>	
<p>v.</p>	<p>:</p>	<p>C. A. No. 15-914-LPS</p>
<p>CHARLES A. STANZIALE, JR.,</p>	<p>:</p>	
<p>Appellee.</p>	<p>:</p>	
<p>MARK A. CULP and PATRICIA J. CHAMBERLAIN,</p>	<p>:</p>	
<p>Appellants,</p>	<p>:</p>	
<p>v.</p>	<p>:</p>	<p>C. A. No. 15-916-LPS</p>
<p>CHARLES A. STANZIALE, JR.,</p>	<p>:</p>	
<p>Appellee.</p>	<p>:</p>	
<p>MARK A. CULP and PATRICIA J. CHAMBERLAIN,</p>	<p>:</p>	
<p>Appellants,</p>	<p>:</p>	
<p>v.</p>	<p>:</p>	<p>C. A. No. 15-917-LPS</p>
<p>CHARLES A. STANZIALE, JR.,</p>	<p>:</p>	
<p>Appellee.</p>	<p>:</p>	

MEMORANDUM ORDER

At Wilmington this 30th day of **October, 2015**.

On October 26, 2015, the court recommended that Appellants be given 30 days in which to file their opening briefs. At the time of this Recommendation, the court was not aware of the Trustee/Appellee's position on the briefing schedule as proposed by Appellants. Before issuing this Recommendation, the court received a Joint Mediation Statement executed by counsel for Appellants, which advised of the parties' position on mandatory mediation and that the Appellee was "still checking" about Appellants' proposed briefing schedule. Since the issuance of the Recommendation, the court has been advised by Appellee that he opposes the briefing schedule proposed by Appellants and believes that briefing should comply with the Federal Rule of Bankruptcy Procedure 8009, that is fourteen (14) days to file the opening brief, fourteen (14) days to file the answering brief and seven (7) days for the reply brief. The bases for the Appellee's position is that all issues on appeal have been previously fully briefed and the parties are limited to the arguments raised in the Bankruptcy Court. Notification by the Appellee of its position was forwarded by letter to Appellants a day after the joint mediation statement was provided to the court. Appellee did not have any objection to removing this matter from mandatory mediation as was also provided in the Recommendation.

On the same day that the court issued its Recommendation, Appellants filed a motion to stay the Bankruptcy Court Order which is the subject of this appeal. This motion is opposed by Appellee.

Therefore, IT IS ORDERED that the Recommendation issued October 26, 2015 is modified in that the recommendation that Appellants' request for thirty (30) days in which to file their opening brief is withdrawn, and no Recommendation is made

regarding a briefing schedule.

/s/ Mary Pat Thyng
CHIEF, UNITED STATES MAGISTRATE JUDGE