

in removing the exculpation of the Steering Group Parties from liability for certain Restructuring-Related Actions, and limiting exculpation to estate fiduciaries and modifying the Plan and the Proposed Order to remove exculpation from the Steering Group Parties. The Trustee argues to the contrary. The parties note that this appeal raises substantial issues of law not amenable to mediation and they believe that mediation would not be productive or 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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. 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. Since the parties are in agreement regarding mandatory mediation, no objections are expected.

IT IS FURTHER RECOMMENDED at the request of the parties that the following briefing schedule be adopted:

Opening Brief of the Steering Group December 15, 2015

Answering Brief of the Trustee January 29, 2016

Reply Brief of the Steering Group February 29, 2016.

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

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE