



interpretation and application of Section 4.1 of the Intercreditor Agreement. Neither Appellees nor Appellant expressed any present interest in mediation.

The parties request a briefing schedule be entered consistent with the application of Rule 8018(a) of the Federal Rules of Bankruptcy Procedure once the record on appeal is complete and the clerk has docketed a notice in accordance with Rule 8010(b)(3) providing that the record has been transmitted or is available electronically.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Since the parties requested this matter be withdrawn from mandatory mediation, objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED.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 will not be filed.

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

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE