IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

IN RE: ENERGY FUTURE HOLDINGS

CORP., et al.,

Bankruptcy Case No. 15-51917 (CSS)

Bankruptcy ADV No. 14-10979

Debtors. : BAP No. 16-22

Debtors.

MARATHON ASSET MANAGEMENT, LP, POLYGON CONVERTIBLE OPPORTUNITIES MASTER FUND.

POLYGON DISTRESSED

OPPORTUNITIES MASTER FUND,

Appellants,

v. : C. A. No. 16-287-RGA

ANGELO GORDON & CO., LP, APOLLO ADVISORS VII, L.P., BROOKFIELD MANAGEMENT PRIVATE INSTITUTIONAL CAPITAL ADVISOR CANADA), L.P.,

Appellees.

RECOMMENDATION

At Wilmington this 16th day of May, 2016.

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.

In light of the issues involved on appeal, the parties jointly request that this matter be removed from mandatory mediation.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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. In light of the parties' joint request, no objections are expected.

The parties further request that the following briefing schedule be entered:

Appellants' Opening Brief 60 days after entry of a Scheduling Order by

this Court

Appellees' Brief 60 days after Appellants' Opening Brief

Appellants' Reply Brief 30 days after Appellees' brief deadline.

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

/s/ Mary Pat Thynge
UNITED STATES MAGISTRATE JUDGE