

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

IN RE: :
: :
TRIBUNE MEDIA COMPANY, et al., :
: :
Debtors. :
:

ROBERT HENKE, :
: :
Appellant, :
: :
v. :
TRIBUNE MEDIA COMPANY, :
Appellee. :

C. A. No. 16-424-GMS
Bankruptcy Case No. 08-13141 KJC
BAP No. 16-00032

RECOMMENDATION

At Wilmington this **15th** day of **August, 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, a teleconference was held on **August 15, 2016** for an initial review and discussion with pro se appellant and counsel for appellees 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. The parties discussed settlement shortly after appellant’s proof of claim was filed. Appellant’s Chapter 11 claim was based on alleged libel and the resulting damages from an article initially published by appellees in 2007. As evidenced from their negotiations, the

ending gulf between the parties was substantial. Due to these negotiations and their success in the Bankruptcy Court on their objection to appellant's claim, which resulted in its disallowance, it is highly unlikely that appellees will be in the range that appellant values his claim for settlement.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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 were 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. If any objections are filed, they shall be done within **ten (10) days** of this Recommendation and are limited to **three (3) pages**. The objections may be done in letter format and captioned and docketed as "Objections to the Recommendation dated August 15, 2016." Any response shall be due within **ten (10) days** of the objections and are limited to **three (3) pages**. The response to the objections may be in letter format and captioned and docketed as "Response to Objections to the Recommendation dated August 15, 2016."

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

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng