IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

In re: : Chapter 11

FBI WIND DOWN, INC. (f/ka Furniture

Brands Int'l., Inc.) et al.,

Debtors.

HERITAGE HOME GROUP, LLC, et al.,

Appellant,

v. : C. A. No. 16-834-SLR

Bankruptcy Case No. 13-12329 (CSS)

FBI WIND DOWN, INC. LIQUIDATING : Bankruptcy ADV No. 15-51899

TRUST, : BAP No. 16-46

Appellee.

RECOMMENDATION

At Wilmington this 31st day of October, 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 October 15, 2016 for an initial review and discussion with 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.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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 have advised there will be no objections filed 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 addition, the parties request the following brief schedule be entered for the appeal:

Opening Brief December 7, 2016

Answering Brief January 20, 2017

Reply Brief February 10, 2017

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

/s/ Mary Pat Thynge

Chief U.S. Magistrate Judge Mary Pat Thynge