



settlement discussions and strongly feel that further mediation would not be productive.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter] be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections to this Recommendation will be filed since neither party believes that mediation would be worthwhile.

In addition, the parties request that the following briefing schedule be entered:

Litigation Trustee's Opening Brief	December 20, 2016
Kandant's Answering Brief	January 31, 2017
Litigation Trustee's Reply Brief	February 14, 2017

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