

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

In re: Delaware Property Management
Company, LLC, et al.,

Debtors.

JAMI LECHEL PHILLIPS,

Appellant,

v.

DELAWARE PROPERTY MANAGEMENT
COMPANY, LLC.,

Appellee.

C. A. No. 17-664
Bankruptcy Case No. 17-10510 (BLS)
BAP No. 17-19

RECOMMENDATION

At Wilmington this **24th** day of **July, 2017**.

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 June 15, 2017 for an initial review
and discussion with appellant, who is pro se, and counsel for appellee to determine the
appropriateness of mediation in this matter. As a result of that teleconference, counsel
was directed to provide an offer to appellant to determine whether the matter could be
resolved. Appellant was informed to provide a timely response to any offer, which could
include a counteroffer. On June 16, 2017, counsel forwarded a proposal by email.¹
Since that time, appellant has not responded to and/or countered appellee's proposal.

¹ During the teleconference, appellant verbally confirmed her email address.

WHEREAS, as indicated by the above efforts, it does not appear that appellant wishes to engage in settlement or mediation efforts 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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Because of appellant's failure to respond, this court assumes that she is not interested in any settlement or mediation efforts.² Counsel for appellee has advised there will be no objections filed on behalf of his client 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.

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

/s/ Mary Pat Thyne

Chief U.S. Magistrate Judge Mary Pat Thyne

² The objection process to this court's Recommendation was explained to appellant during the teleconference.