

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: HomeBanc Mortgage Corp., et al, :
Debtors. :

GEORGE L. MILLER, Chapter 7 :
Trustee for the Estate of Home Banc Corp. :
Appellant, :

v. :

BEAR STEARNS & CO, INC., :
et al., :
Appellees. :

C. A. No. 17-797-RGA
Bankruptcy Case No. 07-11097 (KJC)
Ad. Proc. No. 07-51740 (KJC)

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2017 AUG -4 AM 8:55

RECOMMENDATION

At Wilmington this 4th day of **August, 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, 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. Further, the parties previously resolved the cross-claims that were amenable to settlement and do not believe further resolution will occur through 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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. In light of the parties' letter report of July 11, 2017, objections to this Recommendation are not anticipate.

The parties request the following briefing schedule be entered:

Appellant's Opening Brief not to exceed twenty (20) pages	September 13, 2017
Appellee's Response Brief not to exceed twenty (20) pages	October 20, 2017
Appellant's Reply Brief not to exceed ten (10) pages	October 30, 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