

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

In re:	:	
	:	
Healthcare Real Estate Partners, LLC	:	
	:	
Debtors.	:	
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	:	
HEALTHCARE REAL ESTATE PARTNERS, LLC,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 17-1555-MEM
	:	Bankruptcy Case No. 16-50981
SUMMIT HEALTHCARE REIT, INC.,	:	BAP 17-42
et al.,	:	
	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this **8th** day of **December, 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, consistent with the Oral Order of November 6, 2017, counsel provided their joint letter on November 20, 2017.¹ As a result of the Court’s review of the joint letter, a teleconference was held on December 7, 2017 for further review and discussion with counsel to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor

¹ Since the joint letter addresses mediation, it is not docketed. See D.I.3.

warrant the expense of the process. Further, the parties previously mediated this matter with the assistance of the Honorable Judith K. Fitzgerald (Ret.) without success.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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.

If acceptable to the Court, the parties will submit a proposed briefing schedule on or before December 18, 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