



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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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 will not be filing objections 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 since this Recommendation is consistent with the parties' request to be removed from mandatory mediation.

In addition, the parties request that the Court enter the following briefing schedule on this appeal:

Appellant's Opening Brief	60 days from close of Designation of the Record
Appelles Response	30 days from filing of Appellant's Opening Brief
Appellant's Reply	30 days from filing of Appelle's Responding Brief.

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