

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

In re: Prospector Offshore Drilling S.a.r.l., :
et al., :
: :
Debtors. :
_____ :
: :

MICHAEL R. HAMMERSLEY, :
: :
Appellant, :
: :

v. : :

C. A. No. 18-734-LPS

PROSPECTOR OFFSHORE DRILLING :
S.a.r.l. and PARAGON OFFSHORE plc, :
: :
Appellees. :
: :

Bankruptcy Case No. 17-11572
BAP No. 18-25

RECOMMENDATION

At Wilmington this 8th day of **June, 2018**.

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 7, 2018 for an initial review and discussion with the pro se appellant and counsel for appellees 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.

There are three pending appeals by appellant. Both parties indicated that the appellate issues are legal and mediation would not be helpful. The parties intend to file a stipulation for consolidation of 18-367-LPS, 18-368-LPS and 18-734-LPS and will file a separate stipulated briefing schedule for these three matters. As a result, should the stipulation to consolidate be granted by the Court, appellant's motion to consolidate at D.I. 5 in 18-734-LPS will become moot.

A brief history of the various motions filed and procedural posture of these matters is as follows. Previously, in the related matters, 18-367-LPS and 18-368-LPS, Recommendations were issued that both cases be removed from mandatory mediation. On April 3, 2018, the Recommendations were accepted by the Court in 18-367-LPS at D.I. 47 and 18-368-LPS at D.I. 47. Further, appeals filed by appellant to the Third Circuit Court of Appeals in 18-367-LPS and 18-368-LSP, were terminated and dismissed on April 12, 2018, and are found at D.I. 48 in both matters.

In addition, various movants filed motions for joinder (D.I. 7 through 11, 13 through 23, D.I. 25 through 30, D.I. 34 through 36 and D.I. 46) in 18-368-LPS to appellant's emergency motion for stay pending appeal (D.I. 5). Similar motions for joinder were also filed by the same movants in 18-368-LPS to appellant's emergency motion for stay pending appeal (D.I. 5) and are found at D.I. 7 through 11, D.I. 13 through 23, D.I. 25 through 30, D.I. 34 through 36 and D.I. 46. Both motions to stay filed by appellant were denied at D.I. 32 in 18-367-LPS and 18-368-LPS.

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, which occurred in the companion matters, 18-367-LPS and 18-368-LPS, and proceed through the appellate process of this Court. Since the parties are in agreement, no objections are expected to be 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.

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