

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

In re:	Chapter 11
THE WEINSTEIN COMPANY HOLDINGS LLC, <i>et al.</i> ,	Bankruptcy Case No. 18-10601 (MFW)
Debtor.	
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SPYGLASS MEDIA GROUP, LLC,	
Appellant,	
v.	C.A. No. 21-1151-MN Bankr. BAP No. 21-57
ROBERT WEINSTEIN,	
Appellee.	

RECOMMENDATION

At Wilmington this 7th day of **September, 2021**.

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.

The parties do not agree of whether mediation would be productive. Appellant believes it would not based on its disagreement with the Bankruptcy Court's ruling and the potential business implications under the Assets Purchase Agreement. As a result, it requests this matter be removed from mandatory mediation and the following briefing schedule be adopted:

Appellant's Opening Brief	September 30, 2021 ¹
Appellees Answering Brief	November 1, 2021
Appellant's Reply Brief	November 16, 2021

Appellee agrees with the lower court's ruling and believes that the matter could be effectively mediated including the business implications under the Asset Purchase Agreement. Certain necessary financial information previously requested would be required to allow the greatest chance of success for mediation. If this matter is removed from mandatory mediation, however, he agrees to the proposed briefing schedule of Appellant.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No 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 are anticipated.

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

¹ Appellant requests a time of 4:00 p.m. for filing of each of the briefs on their due dates.

/s/ Mary Pat Thyng

Chief U.S. Magistrate Judge Mary Pat Thyng