

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

In re:	:	Chapter 11
	:	
EHT US1, Inc., <i>et al.</i> ,	:	Bankruptcy Case No. 21-10036 (CSS)
	:	Bankruptcy ADV No. 21-50476-CSS
Debtor.	:	
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EHT ASSET MANAGEMENT, LLC, TAYLOR WOODS, and HOWARD WU,	:	
	:	
Appellants,	:	
v.	:	C.A. No. 21-1467-MN
	:	Bankr. BAP No. 21-72
URBAN COMMON QUEENSWAY, LLC,	:	
	:	
Appellee.	:	
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RECOMMENDATION

At Wilmington this **14th** day of **December, 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,¹ to determine the appropriateness of mediation in this matter;

In response to an Oral Order issued at D.I. 3 on 10/22/21, the parties provided their joint response as ordered on 11/22/21. Therein the parties requested that they be excused from mandatory mediation pending the Court’s ruling on Appellee’s motion to dismiss this appeal as untimely. D.I. 4. This motion has been fully briefed and is

¹ Written information was provided by counsel for the parties which is not made part of the court record because it relates to mediation.

pending decision.

Regarding the briefing schedule in this Court, the parties requested that it be held in abeyance pending the ruling on the motion to dismiss. If this motion is denied, the parties proposed to submit a further joint letter proposing a merits briefing schedule within ten (10) days of the entry of any order denying the motion to dismiss.

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.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court in the format as requested by the parties as noted herein. This Magistrate Judge does not believe that the parties will object 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 it is consistent with the parties' request.

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