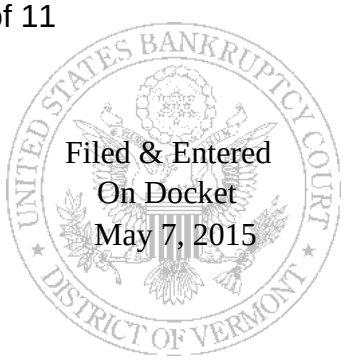
UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:
Andrea Shader, **Chapter 7 Case**
Debtor. **# 10-10480**

ORDER
ON DEBTOR'S MOTION TO MODIFY SCHEDULING ORDER, AMEND PLEADINGS, COMPEL DELIVERY OF DOCUMENTS, IMPOSE SANCTIONS, AND COMPEL MEDIATION

On April 7, 2010, the Debtor filed a petition seeking relief under Chapter 7 of the Bankruptcy Code. Since then, she has requested a number of different types of relief and the contested matter before the Court has taken several sharp turns and had a number of stops and starts. Currently before the Court is a motion by the Debtor for five types of relief, one of which would reverse a course which the Debtor herself initiated (doc. # 182) (the "Motion"). In the Motion, the Debtor seeks to modify the scheduling order currently in effect, to amend the pleadings to reinstate a cause of action she previously withdrew, to compel two creditors to deliver certain documents, to have the Court impose sanctions on those creditors, and to have the Court direct the parties to engage in mediation. On May 1, 2015, the Court conducted a hearing on the Motion. At that hearing, the Court entered an oral ruling granting in part and denying in part the Debtor's Motion, which the Court memorializes in this Order.

A brief summary of the case's circuitous history is essential to understanding the context of the Motion. This no-asset Chapter 7 case was open for over two years, much longer than a typical no asset case, initially because of two issues. First, the Debtor filed three sets of amended schedules (on April 19, 2010, May 10, 2010, and May 21, 2010), and the meeting of creditors was consequently kept open until June 7, 2010, after the last amended schedules were filed. Second, a creditor filed an objection to the Debtor's homestead exemption (doc. # 15) which led to the filing of an adversary proceeding to resolve the legal issues raised in that objection (A.P. # 10-1025) and that adversary proceeding was pending until April 12, 2012. After the adversary proceeding was closed and the trustee filed his no asset report, a final decree was entered and the Chapter 7 case was closed on January 8, 2013.

Then, on January 27, 2014, approximately one year after the case was closed, the Debtor, acting pro se, filed a motion to reopen the case to seek sanctions against Brattleboro Savings and Loan ("BSL")

and River Valley Credit Union ("RVCU") (together, the "Creditors") based upon their alleged violations of the automatic stay and the discharge injunction (doc. # 77). The Creditors objected to the motion to reopen (doc. ## 80, 81), the Court set a hearing on it, the Debtor filed a motion to enlarge the time to file a supplement to her motion, the Creditors filed opposition to that motion for an enlargement of time, the Court granted the Debtor's motion to enlarge time, the Court held a hearing on March 21, 2014, and thereafter took the matter under advisement. On March 24, 2014, the Debtor filed a motion for expedited consideration of alleged additional discharge injunction violations against BSL, and BSL promptly filed a response asserting the error that led to the mailings underlying the Debtor's most recent motion had been corrected (doc. ## 95, 96). On March 27, 2014, the Court entered an order granting the Debtor's motion to reopen the Chapter 7 case, granting BSL relief from stay to proceed with its foreclosure action, and pointing out that although the Debtor was now proceeding pro se in the case – and in this contested matter in particular – her significant paralegal experience and ability to present complex legal arguments in support of the relief she seeks distinguished her from typical pro se parties who appear in this Court (doc. # 97).

On April 15, 2014, the Court entered a scheduling order setting a trial on the Motion for July 1 and 2, 2014, and directing the parties to file a stipulation of facts and admissibility of documents, as well as a pre-trial statement, by June 20, 2014. On April 16, 2014, the Debtor filed a notice of evidentiary hearing (doc. ## 106, 107) in which she identified twenty-one witnesses she intended to call at the trial. On June 5, 2014, BSL filed a motion (doc. # 110) to shorten time for the Debtor to respond to interrogatories and requests for production of documents, in which it averred the Debtor had informed BSL on June 2nd that she had engaged a forensic clinical psychologist to serve as an expert witness. To ensure the trial was not delayed, BSL requested the Debtor be required to respond to interrogatories and requests for production of documents related to this witness by June 25, 2014. Since all parties had been planning around the trial date, and many witnesses were expected to appear at the trial, the Court entered an order (doc. # 111) granting BSL's motion to shorten time for the Debtor's responses and documents.

On June 25, 2014, RVCU filed a stipulation of facts and exhibits on behalf of all parties (doc. # 113). On June 26th, six days before the scheduled trial date, the Debtor filed a motion to disqualify RVCU's counsel (doc. # 114). After various pleadings were filed by both parties, see doc. ## 115-118, RVCU's counsel filed a motion (doc. # 122) to withdraw on June 30, 2015, disputing any basis for disqualification but conceding to substitution of counsel specifically to avoid any potential need to postpone the trial set for July 1 and 2. The Court entered an order granting the motion to withdraw on that same date (doc. # 125).

Approximately three hours after the Court granted the motion for RVCU's counsel to withdraw, on the day before the trial, the Debtor filed an amended "stipulated" notice of evidentiary hearing, in which the Debtor reduced her proposed witness list, previously numbering twenty-one, to a single proposed witness: Gladys J. Frankel, Ph.D (doc. # 127). Thereafter, on the same day, BSL and RVCU filed a response in which they indicated they had not stipulated to the admissibility of Dr. Frankel as a witness (doc. # 128). BSL also filed a motion to impose sanctions and exclude the testimony of the Debtor's proposed expert as a result of the Debtor's failure to comply with the Court's June 6, 2014 order establishing interrogatory and other deadlines (doc. # 129). In that motion, BSL argued that it would be prejudiced by receiving any responses on the eve, or day, of trial.

On July 1, 2014, approximately forty-five minutes before the start of trial, the Debtor filed a motion to postpone the trial. The Debtor represented that she contacted her expert witness the afternoon before, on June 30th, and was informed that Dr. Frankel was not available to testify on July 1 or 2 due to pre-arranged scheduling conflicts (doc. # 131). BSL and RVCU opposed the continuance (doc. # 130).

At the July 1, 2014 hearing, the Court addressed all outstanding motions. The Court found that since the Debtor had had more than two months to prepare and verify the availability of her witness, the Creditors and their witnesses were ready to proceed, and the Debtor failed to request a continuance until immediately before trial, all pertinent factors weighed against the granting of relief. Based upon this finding, the Court determined the Debtor had failed to establish cause for a continuance and denied the Debtor's motion to continue / reschedule the trial. After the Court denied her motion to continue, the Debtor orally moved to dismiss her claims against BSL and RVCU. The Court advised the Debtor that, in light of the circumstances, if she pursued dismissal it would grant the Creditors' request to dismiss the contested matter with prejudice. The Court offered the Debtor the opportunity for a recess to consider her options. The Debtor declined that opportunity, and reiterated her desire to dismiss the litigation. Accordingly, the Court dismissed the contested matter with prejudice.

Thereafter, the Debtor filed an appeal of the orders denying her motion to continue, granting her motion to dismiss, and dismissing her contested matter with prejudice (doc. ## 138, 139). On December 12, 2014, the District Court (Reiss, J.) entered an order affirming in part and reversing in part this Court's decisions. The District Court reversed both this Court's denial of the Debtor's request for a continuance and its dismissal of the contested matter with prejudice, and remanded the matter to this Court for reconsideration of those issues, consistent with the District Court's ruling.

On December 23, 2014, this Court entered an order setting filing deadlines and a hearing in response to the remand from U.S. District Court (doc. # 156). Pursuant to that order, on January 5, 2015,

the Debtor filed a notice of withdrawal of her motion to dismiss the contested matter (doc. # 158). On January 16, 2015, BSL filed a notice (doc. # 160) indicating the Debtor had advised BSL she would be retaining counsel to represent her in the pending stay / injunction violation litigation, and affirming that once the Debtor retained counsel, the parties would attempt, in good faith, to formulate the terms of a proposed stipulated scheduling order. On January 26, 2015, the Court entered an order granting the application of Brianna W. Collier, Esq. to appear in this contested matter, pro hac vice, on behalf of the Debtor (doc. # 166). On February 2, 2015, the Debtor, through her counsel, filed a "Notice of Withdrawal of Emotional Distress Damages Claim" that included a withdrawal of her designation of Dr. Gladys Frankel as an expert witness (doc. # 170). This was a significant change in the complexion of the litigation and narrowed the issues to be tried.

On February 2, 2015, the Court entered the scheduling order the parties had jointly proposed on January 29, 2015. It required (i) discovery to be completed by February 27, 2015; (ii) pre-hearing memoranda of law to be filed by March 27, 2015; (iii) responses to pre-trial memoranda to be filed by April 3, 2015, with no further replies or surreplies to be filed without court order; (iv) pre-trial statements and stipulations of witnesses, exhibits, and other matters to be filed by April 17, 2015; (v) the trial to be held on May 29, 2015; and (vi) post-trial memoranda to be filed by June 12, 2015 (doc. # 171; the "Scheduling Order"). The contested matter was thus poised to proceed to trial on May 29, 2015, on the single claim specified in the Debtor's February 2nd Notice, namely the Debtor's claim that she is entitled to actual damages (including costs, nominal damages, and attorney's fees) and punitive damages from BSL and RVCU based upon the Creditors' violation of the automatic stay and discharge injunction.

However, the landscape once again shifted on February 19, 2015, when the Debtor and her counsel filed a stipulation for withdrawal of counsel (doc. # 175). The stipulation indicated the Debtor would resume her pro se status, and the Debtor confirmed her intention to proceed pro se at her February 26, 2015 deposition. See doc. # 186, pp. 4-5. Pursuant to the Scheduling Order, the Creditors and Debtor filed pre-trial memoranda of law by March 27, 2015 (doc. ## 177, 178), the Creditors filed a response to the Debtor's memorandum of law (doc. # 179), and the Creditors filed their proposed lists of witnesses, exhibits and facts by April 17, 2015 (doc. ## 180 and 181). The Debtor filed neither a response to the Creditors' memorandum of law nor a proposed list of witnesses, exhibits and facts. Her time to do so expired on April 4th and April 17th, respectively. Instead, on April 17th, the Debtor filed the Motion seeking to reconfigure the schedule and format of this litigation.

1. The Debtor's Request for an Order Requiring the Creditors to Provide Documents and Imposing Sanctions on the Creditors

The Debtor's Motion asks the Court to enforce the order it entered directing the Creditors to each

provide the Debtor with everything they had in their collection file, and impose sanctions on the Creditors for their failure to comply with that order.[1] For several reasons, neither an order compelling compliance nor sanctions are warranted here.

Prior to filing this Motion, the Debtor did not advise the Creditors she would seek sanctions, nor did the Debtor file a motion to compel. This violates both federal and local rules. See F.R.C.P. 37; Vt. LBR 7026-1(f). Moreover, after the Debtor filed the Motion, the Creditors promptly provided the Debtor with all outstanding documents, pointed out which of those documents had in fact already been delivered, and filed a thorough and persuasive explanation of why they had erred and failed to provide the missing documents earlier. The instant matter is an ordinary, run-of-the-mill discovery dispute, based upon a simple mistake, and the Debtor has failed to establish either the procedural or substantive criteria for the imposition of sanctions. Compare Alexander Interactive, Inc. v. Adorama, Inc., 2014 U.S. Dist. LEXIS 2113 (S.D.N.Y. Jan. 6, 2014) with Underdog Trucking, L.L.C. v. Verizon Servs. Corp., 2011 U.S. Dist. LEXIS 22228 (S.D.N.Y. 2011), and Am. Friends of Yeshivat Ohr Yerushalayim, Inc. v. United States, 2009 U.S. Dist. LEXIS 47986 (E.D.N.Y. 2009).

Accordingly, the Debtor's request for an Order requiring the Creditors provide certain documents from their collateral files is denied as moot, and the Debtor's request for sanctions is denied.

2. The Debtor's Request for Leave to Amend Her Pleadings to Reintroduce the Claim for Emotional Distress

Federal Rule of Civil Procedure 15 provides "a party may amend its pleading only with the opposing party's written consent or the court's leave," and instructs the court to "freely give leave when justice so requires." F.R.C.P. 15(a)(2). Generally, leave to amend should be freely granted, however, a court "has discretion to deny leave for good reason, including futility, bad faith, undue delay, or undue prejudice to the opposing party." Holmes v. Grubman, 568 F.3d 329, 334 (2d Cir. N.Y. 2009) (internal quotations and citations omitted); see Foman v. Davis, 371 U.S. 178, 182 (U.S. 1962). "Prejudice to the opposing party is 'the most important factor' in determining whether leave to amend should be granted or denied." Taberna Capital Mgmt., LLC v. Jaggi, 2010 U.S. Dist. LEXIS 35347, * 4 (S.D.N.Y. Apr. 9, 2010) (quoting Ruotolo v. City of N.Y., 514 F.3d 184, 191 (2d Cir. 2008)). "In gauging prejudice, we consider, among other factors, whether an amendment would require the opponent to expend significant additional resources to conduct discovery and prepare for trial or significantly delay the resolution of the dispute." Ruotolo v. City of New York, 514 F.3d 184 at 192 (internal quotations and citations omitted).

[1] At the May 1, 2015 hearing the Court misspoke, indicating there was no order entered which specifically required the Creditors to provide copies of their collection files. Actually, a scheduling order entered February 7, 2014 did direct the Creditors to provide their collection files to the Debtor. See doc. # 83. However, the ruling on the Motion articulated on the record stands, for the reasons set forth in this Order.

"Undue prejudice arises when an amendment comes on the eve of trial and would result in new problems of proof." Id.

The Debtor has not set forth why the claim she previously withdrew – at a time when she was represented by counsel – should be reinstated. The Debtor's only argument on this point is that she is now pro se, and has decided she would like to reinstate her claim. Read liberally, the Court could construe this as an argument that the Debtor previously withdrew her cause of action on the advice of counsel but now, having severed her relationship with counsel, has reconsidered her position. But "[i]t is black letter law in this Circuit, however, that a client ... is bound by the conduct of his attorney." Woo v. City of New York, 1997 U.S. Dist. LEXIS 7315 (S.D.N.Y. May 23, 1997); see York Research Corp. v. Landgarten, 927 F.2d 119, 122 (2d Cir. 1991). The U.S. Supreme Court has stated that where a party has voluntarily selected an attorney as his or her representative:

> [that party] cannot ... avoid the consequences of the acts or omissions of this freely selected agent. Any other notion would be wholly inconsistent with our system of representative litigation, in which each party is deemed bound by the acts of his lawyer-agent and is considered to have notice of all facts, notice of which can be charged upon the attorney.

Link v. Wabash R.R. Co., 370 U.S. 626, 633-34, (1962). This rule has been applied to hold a party is bound by his attorney's actions, even where the attorney withdrew and the party subsequently proceeded pro se, and even where the party alleged negligent representation by the attorney. Lamothe v. Town of Oyster Bay, 2011 U.S. Dist. LEXIS 120843 (E.D.N.Y. Oct. 19, 2011). Thus, the Court finds the Debtor may not reinstate her claim based on a change in position from what her attorney represented her position to be.

The Court also finds the Debtor's current pro se status is not a sufficient basis for granting the Debtor's request to amend her pleadings. "It is well established that a court is ordinarily obligated to afford a special solicitude to pro se litigants." Tracy v. Freshwater, 623 F.3d 90, 101 (2d Cir. N.Y. 2010) "[This solicitude] embraces relaxation of the limitations on the amendment of pleadings ..." Id. However, "the underlying justification for the solicitude ordinarily granted to pro se litigants is that it is necessary to prevent such parties, who generally lack legal training and experience, from inadvertently forfeiting important rights." Id. at 103. Here, the Debtor did not inadvertently forfeit an important right; she deliberately withdrew a cause of action while advised by counsel.

Last, and most importantly, the Debtor has failed to explain how a delay in her filing her request to reinstate the claim and a change in the scope of relief she seeks, at this late date, would not prejudice other parties. This contested matter is scheduled for trial on May 29, 2015. Even taking the apparent allegations in her Motion as true, the Debtor learned of the withdrawal of this claim, at the latest, on

February 26, 2015, and did not seek to reintroduce it until two months later. Permitting the Debtor to reintroduce her other claim now would significantly broaden the scope of the issues before the Court, would require the Creditors to engage in additional discovery and trial preparation, including examination of the Debtor's previously withdrawn expert,[2] and would likely delay resolution of a matter which has, as detailed above, been pending for a considerable time. The Debtor's delay in seeking to reintroduce this claim until now also raises concerns about whether the Debtor's request at this stage is primarily a litigation tactic aimed at delaying adjudication of this contested matter. See, e.g., Padro v. Astrue, 2011 U.S. Dist. LEXIS 45464 (E.D.N.Y. Apr. 22, 2011).

For these reasons, the Court finds that granting the Debtor leave to amend her pleadings at this time would unduly prejudice the Creditors and cause undue delay, and further finds the Debtor has failed to set forth good cause to amend the relief she is seeking at this late stage in the proceeding. Accordingly, the Court denies the Debtor's motion to amend the record to reinstate her claim for damages based upon emotional and mental anguish, distress, and related physical trauma.

3. The Debtor's Request to Extend Time and Amend the Scheduling Order

Based on the Creditors' consent, set forth in their response filed April 29, 2015 (doc. # 186), the Court grants the Debtor's request for an extension of time in which to file a joint stipulated pre-trial statement and stipulations as to witnesses, exhibits, and other matters, up to the date of trial. However, the Creditors object to the Debtor's request to delay the evidentiary hearing scheduled for May 29, 2015, and have not consented to the Debtor's request (if there is one) for an extension of time in which to file a response to the Creditors' pre-trial memorandum of law.[3]

Federal Rule of Civil Procedure 16 provides that a "[scheduling order] may be modified only for good cause and with the judge's consent." F.R.C.P. 16(b)(4). Similarly, Local Rule 5071-1 provides:

> No continuance, postponement, or rescheduling will be granted except upon a motion or stipulation showing good cause, and upon such terms and conditions as the Court may impose. Agreement of counsel alone does not constitute good cause. A request for a continuance based on a conflicting engagement must be accompanied by proof that the other matter was scheduled first and must be filed timely with the Clerk. A motion to continue a trial must contain a certification that the party on whose behalf the request has been filed and opposing counsel have been notified of the request for a continuance.

Vt. LBR 5071-1. The Debtor's motion did not contain a certification pursuant to Vt. LBR 5071-1, nor

[2] The previously scheduled deposition of the Debtor's expert was cancelled based on the Debtor's withdrawal of her cause of action. See doc. # 186, p. 6-7.

[3] It is unclear whether the Debtor seeks this relief in the Motion.

does it appear the Debtor notified opposing counsel of her request to modify the Scheduling Order prior to filing her Motion. However, in light of the Debtor's pro se status, the Court will nevertheless consider the Motion on its merits.

"A ... court has broad discretion to grant or deny a motion for a continuance." United States v. Cusack, 229 F.3d 344, 349 (2d Cir. 2000); see Mraovic v. Elgin, J. & E. R. Co., 897 F.2d 268, 270 (7th Cir. 1990); Real v. Hogan, 828 F.2d 58, 63 (1st Cir. 1987). In its remand, the District Court articulated several grounds that justify the denial of a request for a continuance:

> [D]istrict courts have held that a request for a continuance properly may be denied when the party seeking it has had ample time for preparation before the trial date, or the request for a continuance was not made until the last possible minute, or the testimony of a missing scheduled trial witness was available in the form of a deposition or with reasonable effort could have been obtained in that form, or the denial of a continuance was not shown to be prejudicial to the party requesting it, or there was some other consequential reason the trial court felt was persuasive for refusing to grant a continuance of the case. Also relevant in evaluating the propriety of a denial of a continuance are whether there have been prior delays in the progress of the action and the reasons therefor, the time constraints on the district court and opposing counsel, as well as the lack of good faith conduct or actual misbehavior by the party seeking a delay.

Shader v. Brattleboro Sav. & Loan Ass'n, 2014 WL 7140612, at *11 (D. Vt. Dec. 12, 2014) (quoting 9 Charles A. Wright & Arthur R. Miller, FEDERAL PRACTICE AND PROCEDURE § 2352 (3d ed.)).

Although the Court would ordinarily be likely to grant the postponement of a trial to permit an unrepresented party an opportunity to obtain counsel, taking into account the Debtor's conduct to date in this contested matter, the prejudice a delay would cause to opposing parties, the Debtor's last-minute postponement of the original trial date, and the Debtor's experience and expertise in representing herself, the Court finds that, on balance, the request for a continuance must be denied in the interest of fairness and to avoid further delay in this litigation. This contested matter was originally scheduled to go to trial on July 1, 2014. The Debtor was prepared to proceed pro se at that time and has proceeded pro se in this contested matter over a period of approximately one year. When the Debtor obtained counsel, counsel's representation lasted less than one month; counsel's principal contributions were the filing of a stipulated proposed scheduling order and a notice of withdrawal of a cause of action, both of which the Debtor has subsequently sought to rescind or alter. Now, two months after counsel's stipulated withdrawal, which indicated the Debtor would proceed pro se, the Debtor seeks to continue the May 29, 2015 trial, ostensibly to retain new counsel.

The Court finds several of the grounds for properly denying a continuance recited by the District Court, supra, to be present here. First, the Debtor has had ample opportunity to prepare for trial in light

of the substantial delays in this contested matter. Second, she has had two months since the withdrawal of previous counsel to obtain substitute counsel. Third, delaying the trial at this juncture would prejudice the Creditors, who have made substantial efforts to comply with the Scheduling Order and prepare for trial on May 29, 2015. Fourth, in light of the history of this case (set forth above), there is evidence to suggest the Debtor's request for a continuance may be a litigation tactic designed, at least in part, to delay the trial of this contested matter and increase the cost for opposing parties. For all of these reasons, the Court finds, on balance, that the interests of justice require the Court to deny the Debtor's request to postpone the trial scheduled for May 29, 2015.

To the extent the Debtor's Motion requests an extension of time in which to file a response to the Creditors' pre-trial memorandum of law, that request is also denied. The Debtor, in her response filed April 27, 2015, indicated she chose not to file a response as she was not aware a response was mandatory. See doc. # 185, ¶ 2. Thus, the Court understands the Debtor comprehended that her response to the Creditors' memorandum of law was due on April 4th, and chose to waive her right to file one. However, if, in light of the other rulings in this Order, if the Debtor determines her interests would best be served by filing such a response, the Court will entertain a motion to enlarge time for her to file that response, provided the motion and any response are filed promptly, and do not delay the trial or prejudice the opposing parties. Hence, the Court denies the Debtor's request to amend the Scheduling Order with respect to her response to the Creditors' memorandum of law, without prejudice to the Debtor's right to promptly file a motion specifically articulating grounds for filing a late response.

Accordingly, the Court grants the Debtor's request with respect to the stipulations described above, denies without prejudice the request, if any, to file a late response to the Creditors memorandum of law, and denies the request for a continuance of the May 29, 2015 trial.

4. The Debtor's Request for Mediation

Last, the Debtor's Motion also includes a request for mediation. Based on the Creditors' willingness to engage in mediation and the Debtor's representation, at the May 1, 2015 hearing, that she was unaware of the availability of mediation until recently, the Court grants the Debtor's request for mediation, provided that the mediation is completed by May 22, 2015, and does not delay the trial.

Conclusion

For the reasons set forth above, to resolve the issues in the Debtor's Motion, and to implement the related rulings entered on the record at the May 1st hearing,[4] IT IS HEREBY ORDERED that

1. the Debtor's request for an Order requiring the Creditors to provide certain documents to the Debtor is **denied as moot**;
2. the Debtor's request for sanctions against the Creditors based upon the Creditors' failure to comply with the order to provide the Debtor with copies of all documents in their respective collection files is **denied** on both procedural and substantive grounds;
3. the Debtor's motion to amend the record to reinstate her claim for damages based upon emotional and mental anguish, distress, and related physical trauma is **denied**;
4. the Debtor's request for an extension of scheduling order deadlines as to the filing of a joint stipulated pre-trial statement and stipulations as to witnesses, exhibits, and other matters is **granted**;
5. the Debtor's request (if any) for an extension of time in which to file her response to the Creditors' pre-trial memorandum of law is **denied** without prejudice to the Debtor's right to file a motion specifically articulating grounds for filing a response, provided the motion and any response are filed promptly and will not delay the trial or prejudice the opposing parties;
6. the Debtor's request to postpone the evidentiary hearing scheduled for May 29, 2015, is **denied**;
7. the Debtor's request for mediation is **granted**;
8. the parties will engage in a half-day mediation with Nicole Killoran, Esq. of Bauer, Gravel Farnham as mediator, with mediation to be completed **by May 22, 2015**;
9. the parties shall coordinate with Attorney Killoran to schedule the date, time and location of the mediation, **by May 11, 2015**, and once the mediation is scheduled, Attorney Killoran will promptly advise the parties if and when she needs a pre-mediation statement from each of the parties;
10. to the extent Attorney Killoran requests copies of pleadings, or other documents pertinent to the mediation, Creditors' counsel shall provide them to her;
11. if the matter is resolved at mediation, the parties shall file a stipulation setting forth the terms of the settlement with the Court within two business days of reaching a settlement;

[4] Subsequent to the Court's May 1, 2015 hearing, and pursuant to the Court's direction, the Creditors filed a proposed scheduling order regarding mediation (doc. # 187); the terms of that proposed order are incorporated below.

12. if the matter is not resolved at mediation, the mediator shall file a brief statement with the Court stating whether each party participated in mediation in good faith, and summarizing the results of the mediation, within two business days of the conclusion of mediation.

SO ORDERED.

May 7, 2015
Burlington, Vermont

Colleen A. Brown
United States Bankruptcy Judge