

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

IN RE: James M. Kamara

Watchen Nelson and Andre Dastinot,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 13-48-LPS
	:	
James M. Kamara,	:	Bankruptcy Case No. 10-12766-BLS
	:	Adv. Pro. No. 10-55491
Appellee.	:	BAP 12-65

RECOMMENDATION

At Wilmington this **30th** day of **April, 2013**.

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 February 27, 2013 for an initial review and discussion with appellee and counsel for appellants to determine the appropriateness of mediation in this matter;

WHEREAS, during the screening process, appellee, who is proceeding pro se, expressed an interest in mediation, along with appellants, and mediation was scheduled for May 17, 2013. Thereafter, included in appellee's very early mediation submission, he advised he was not inclined to proceed with mediation. During a follow-up teleconference on April 30, 2013, appellee again repeatedly reiterated his concerns about the process in part based upon his prior attempts to resolve this matter with appellants and clearly indicated he did not want to proceed with mediation.

WHEREAS, as a result, 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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. By this Order, the parties are notified of their right to file objections within **fourteen (14) days** of 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
UNITED STATES MAGISTRATE JUDGE