In re: David J. Buchanan Doc. 11

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

IN RE: David J. Buchanan

David J. Buchanan,

٧.

Appellant,

C. A. No.13-193-SLR

Trustee Michael B. Joseph,

Bankruptcy Case No. 04-12419 JKF

AP No. 12-67

Appellee.

RECOMMENDATION

At Wilmington this 27th day of February, 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 appellant and appellee 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.

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this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral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. The parties have

advised there will be no objections 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 Thynge
UNITED STATES MAGISTRATE JUDGE