

IN RE: Don Scioli

Don Scioli,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 13-369-RGA
	:	
Alfred T. Giuliano, Chapter 7 Trustee,	:	Bankruptcy Case No. 12-10572 (CSS)
	:	
Appellee.	:	AP No. 13-12

## RECOMMENDATION

At Wilmington this **23<sup>rd</sup>** 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 April 2, 2013 for an initial review and discussion with counsel to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of that teleconference, follow up telephonic mediation occurred on April 12, 2013 and April 23, 2013

WHEREAS, no resolution of this matter occurred and further 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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral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 Thyng  
UNITED STATES MAGISTRATE JUDGE