

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: Allied Systems Holdings Inc. et al.

Yucaipa American Alliance Fund H LP,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 13-1580-SLR
	:	
BDCM Opportunity Fund II, et al.,	:	Bankruptcy Case No. 12-11564
	:	ADV No. 13-50530
Appellees.	:	AP No. 13-86

IN RE: Allied Systems Holdings Inc. et al.

Yucaipa American Alliance Fund H LP,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 13-1583-SLR
	:	
BDCM Opportunity Fund II, et al.,	:	Bankruptcy Case No. 12-11564
	:	ADV No. 13-50947
Appellees.	:	AP No. 13-84

RECOMMENDATION

At Wilmington this **1st** day of **November, 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, the court conducted an initial review, which included information from counsel, 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. Further, the parties, as directed by the Bankruptcy Court on October 24, 2013, are required to proceed with additional mediation sessions with The Honorable Robert Drain.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), these matters be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties were advised of their right to file objections 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