

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

In re: Tribune Company, et al.

Jo Anna Canzoneri McCormick,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 13-1584-GMS
	:	
Tribune Company, et al.,	:	Bankruptcy Case No. 08-13141
	:	AP 13-87
Appellees.	:	

RECOMMENDATION

At Wilmington this **9th** day of **October, 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 scheduled on October 9, 2013 for an initial review and discussion with the pro se appellant and counsel for the appellees to determine the appropriateness of mediation in this matter. The appellant did not participate in the teleconference. During the teleconference with counsel, the court was advised that a letter had been sent on September 30, 2013 to appellant by overnight mail via FedEx which provided a dial in number and the date and time of the teleconference. After receiving confirmation from FedEx that the letter had been received, counsel for appellees attempted to contact appellant by telephone to re-confirm she received the dial in information, using the telephone number appellant provided on her appeal documents. During that attempt, counsel was advised that the number had been disconnected. The court confirmed that

that telephone number is the same number appellant provided to the court;

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. The failure of appellant to update or provide contact information made communication with her difficult, if not impossible. Further, appellees have filed with this court a motion to dismiss the appeal on the bases of lack of jurisdiction and the untimeliness of the appeal.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Counsel for appellees advised there will be no objections filed on behalf of their clients 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