

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: Conex Holdings, LLC et al.

Charles A. Stanziale Jr., in his capacity	:	
as the Chapter 7 Trustee of Conex	:	
International LLC, formerly known as	:	
Conex International Corporation,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 14-179-LPS
	:	
Car-Ber Testing, Inc.,	:	Bankruptcy Case No. 12-51132 (CSS)
	:	AP No. 14-01
Appellee.	:	

RECOMMENDATION

At Wilmington this **27th** day of **February, 2014**.

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. The appeal involves application of pure legal issues and neither party desires mediation at this stage.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. In light of the parties' position regarding mediation, it is doubtful 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 will be filed or pursued.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE