

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

In re: Gulfco Holding Corp.

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Gulfco Holding Corp.,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 14-678
	:	Bankruptcy Case No. 13-13113 (BLS)
Prospect Capital Corporation,	:	AP 14-15
	:	
Appellee.	:	

**RECOMMENDATION**

At Wilmington this 4<sup>th</sup> day of **September, 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, a teleconference was held for an initial review and discussion with counsel to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of that teleconference, an eleven hour global mediation involving the Bankruptcy appeal and a related matter filed in a Texas state court occurred on September 3, 2014;

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. The related Texas matter is scheduled for trial beginning October 20, 2014, which may last up to three weeks.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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.

IT IS FURTHER RECOMMENDED at the request of the parties that the following briefing schedule be entered:

Appellant's Opening Brief	December 12, 2014
Appellee's Answering Brief	January 12, 2015
Appellant's Reply Brief	January 26, 2015

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

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE