

referral for mediation and proceed through the appellate process of this Court.

IT IS FURTHER RECOMMENDED that the parties be directed to provide a proposed scheduling order for briefing.

The parties have advised there will be no objections filed to this Recommendation Order 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