

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

In re: Allied Nevada Gold Corp., et al.

Brian Tuttle,

Appellant,

v.

Allied Nevada Gold Corp.,

Appellee.

C. A. No. 16-58-SLR  
Bankruptcy Case No. 15-10503 (MFW)

**RECOMMENDATION**

At Wilmington this 18<sup>th</sup> day of **April, 2016**.

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 on April 15, 2016 for an initial review and discussion with counsel to determine the appropriateness of mediation in this matter<sup>1</sup>;

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.

In light of the status of the appeal and underlying bankruptcy, both sides feel that the

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<sup>1</sup> The only matter addressed during the teleconference was 16-58. A related matter was intended to be addressed, that is, 16-57. Between the time of scheduling the teleconference in both matters and the date of the teleconference, 16-57 was dismissed without prejudice for failure to pay the filing fee.

mediation would be futile and delay the resolution while increasing costs. At present the Plan has been substantially consummated and briefing on related appeals brought by the Ad Hoc Committee (15-946-SLR and 15-949-SLR), referred to as the Confirmation Order Appeals is completed.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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

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

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE