



referral for mediation and proceed through the appellate process of this Court. The parties were advised of their right to file 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. No objections are expected to be filed since the parties jointly requested the matter be removed from mandatory mediation.

The parties further request the following briefing schedule be entered: Appellant's opening brief to be due within forty-five (45) days after entry of an order setting a briefing scheduled; Appellees' answering brief to be due within forty-five (45) days after the date on which Appellant's opening brief is filed and served; and Appellant's reply brief to be due within fifteen (15) days after the filing and service of Appellees' answering brief.

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

/s/ Mary Pat Thyng  
Chief U.S. Magistrate Judge Mary Pat Thyng