

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

In re:	:	
	:	
Arctic Glacier International, Inc.	:	
	:	
Debtors in a foreign proceeding.	:	
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Eldar Brodski Zardinovsky et al,	:	
	:	
Appellants,	:	
	:	
v.	:	Civil Action No. 16-617-SLR
	:	
Arctic Glacier Income Fund et al	:	Bankruptcy Case No. 12-10605
	:	ADV No. 15-51732
Appellees.	:	AP No. 16-35

**RECOMMENDATION**

At Wilmington this **15<sup>th</sup>** day of **August, 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, 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 parties previously participated in an unsuccessful mediation related to the matters at issue in the subject adversary proceeding. They do not believe that the present proceeding is likely to resolve through mediation, nor that

the process would be productive, efficient or an effective use of the resources of the Court or the parties.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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

In addition, the parties request the following briefing schedule be entered for this appeal along with certain additional language:

Appellants' opening brief	September 23, 2016
Appellees' answering brief	October 21, 2016
Appellants' reply brief	November 11, 2016

For the avoidance of doubt, if any, filings in this appeal shall conform to the requirements of the Federal Rules of Bankruptcy Procedure and (as applicable) Part VIII of the Local Rules of the Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, as provided in the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware Amended effective as of August 1, 2016.

Upon direction from the court, the parties will submit an agreed proposed order embodying the above.

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