

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

IN RE:	:	
	:	
AgFeed USA, LLC, et al.,	:	
	:	
Debtors.	:	
<hr style="border: 0.5px solid black;"/>		
JLL CONSULTANTS, INC.,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 16-1109-LPS
	:	Bankruptcy Case No. 13-11761
K. IVAN F. GOTHNER,	:	ADV No. 15-50210
	:	BAP No. 16-71
Appellee.	:	

RECOMMENDATION

At Wilmington this **8th** day of **December, 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 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. On the same day that the notice of docketing of this bankruptcy appeal, appellee moved to dismissed for lack of jurisdiction over the subject matter, or alternatively to deny leave of appeal. The bases are that the appeal is an

interlocutory and there is no exceptional circumstances warranting allowance of the appeal by this Court. In light of this filing, it does not appear that mediation would be a fruitful exercise since appellees are contesting this Court's jurisdiction.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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

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

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