

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

In re: Energy Future Holdings Corp., et al.,

Debtors.

SHIRLEY FENICLE, et al.,

Appellants,

v.

ENERGY FUTURE HOLDINGS CORP.,
et al.,

C. A. No. 17-9-RGA
Bankruptcy Case No. 14-10979 (CSS)
BAP No. 17-1

Appellees.

RECOMMENDATION

At Wilmington this **23rd** day of **January, 2017**.

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.

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for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. In light of the parties' letter report of January 18, 2017, objections to this Recommendation are not anticipate.

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