

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

IN RE: TRIANGLE USA PETROLEUM
CORPORATION, et al.,

Debtors

CALIBER MEASUREMENT SERVICES
LLC, et al.,

Appellants,

v.

TRIANGLE USA PETROLEUM
CORPORATION, et al.,

Appellees.

C. A. No. 17-288-GMS
Bankruptcy 16-11566 (MFW)

RECOMMENDATION

At Wilmington this **24th** day of **April, 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, after receipt of the parties' joint submission regarding mediation, a teleconference was held on April 19, 2017 for an initial review and discussion with counsel to determine the appropriateness of mediation in this matter. Since their joint submission, there have been extensive discussions/efforts by the parties to resolve this matter, which were unsuccessful.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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' concurrence that this matter should be removed from mandatory mediation, it is not expected that objections will be 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
Chief U.S. Magistrate Judge Mary Pat Thyng