IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

DELAWARE TRUST COMPANY, as FIRST LIEN INDENTURE TRUSTEE,	:	
Appellant,	:	
٧.	:	C. A. No. 17-540-RGA Consolidated
MORGAN STANLEY CAPITAL GROUP, INC., J. ARON & COMPANY, LLP, and TITIAN INVESTMENT HOLDINGS LP	:	
Intervenors/Appellees	, : :	Bankruptcy Case No. 14-10979 Adv. Proc. No 15-51239
WILMINGTON TRUST, N.A., in its capacit as First Lien Collateral Agent and First Lien Administrative Agent		BAP No. 17-13
Defendant/Appellee	•	

RECOMMENDATION

At Wilmington this **26**th day of **June, 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. This matter is related to other bankruptcy appeals which have

been removed from mandatory mediation. Further, the parties have requested that this

matter be removed from mandatory mediation.

The parties request the following briefing schedule be entered:

Opening Brief of DTC limited to 40 pages	July 31, 2017
Collective Responsive Brief of of Morgan Stanley, J. Aron and Titan limited to 40 pages	September 15, 2017
Reply Brief of DTC limited to 20 pages	October 2, 2017

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Since the parties requested this matter be withdrawn from mandatory mediation, objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED.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 will not be filed.

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

<u>/s/ Mary Pat Thynge</u> UNITED STATES MAGISTRATE JUDGE