

WHEREAS, as indicated by the above efforts, it does not appear that appellant wishes to engage in settlement or mediation efforts 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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Because of appellant's failure to respond, this court assumes that she is not interested in any settlement or mediation efforts.² Counsel for appellee has advised there will be no objections filed on behalf of his client 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

² The objection process to this court's Recommendation was explained to appellant during the teleconference.