

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

In re:

ROADHOUSE HOLDING INC.,

Reorganized Debtor.

WAYNE ENGLISH,

Appellant,

v.

ROADHOUSE HOLDING INC.,

Appellee.

RECOMMENDATION

At Wilmington this **24th** day of **August, 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, a teleconference was held on August 24, 2017 for an initial review and discussion with the pro se Appellant and counsel for Appellee 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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties have advised there will be no objections 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.

A scheduling order for briefing the issues on this appeal will be needed. To the extent possible, the parties intend to file a joint appendix which will include the documents designated on this appeal. Counsel for Appellee has agreed to prepare the joint appendix and provide a copy of the designated documents to Appellant.

/s/ Mary Pat Thynge

Chief U.S. Magistrate Judge Mary Pat Thynge