

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: REAL INDUSTRY, INC., et al.)	Chapter 11
,)	Bk. No. 17-12464 (KJC)
)	
Debtors.)	
)	
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K&E GROSSMAN CHILDREN'S TRUST, et al.,)	
)	
)	
Appellants,)	
)	
v.)	Civ. No. 18-735-LPS
)	
REAL INDUSTRY, INC., et al.,)	
)	
Appellees.)	
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AD HOC COMMITTEE OF EQUITY SECURITY HOLDERS OF REAL INDUSTRY, INC.,)	
)	
)	
Appellant,)	
)	
v.)	Civ. No. 18-736-LPS
)	
REAL INDUSTRY, INC., et al.,)	
)	
Appellees.)	

RECOMMENDATION

At Wilmington this **26th** day of **June, 2018**.

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 joint statement regarding mediation of these appeals was provided by the parties on June 6, 2018 and teleconference was held on June 25, 2018

to discuss with counsel 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. Appellants and appellees in these matters did not agree on whether mediation should proceed. Appellees requested in the joint letter that these two appeals be consolidated for procedural purposes and proposed a briefing schedule. Since the objection time period to this Recommendation has not expired, appellants have not yet responded.

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the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), these matters 18-735-LPS and 18-736-LPS be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties were advised of their right to file 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.

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