

WHEREAS, if no objections are filed to this Recommendation and the Court affirms this Recommendation, a scheduling order for briefing will need to be entered.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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 are advised they may 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.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng