

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

In re: TK Holdings, Inc., et al.	:	Chapter 11
	:	Case No. 17-11375 (BLS)
Debtors.	:	
<hr/>		
JAMES F. DeBOUNO, JR.,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 20-1480-RGA
	:	
TK HOLDINGS, INC.,	:	
	:	
Appellees.	:	

RECOMMENDATION

At Wilmington this 17th day of **November, 2020**.

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 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 Appellant is one of a number of claimants whose claims were affected by Judge Brendan L. Shannon’s ruling on October 21, 2020. Attached to his supplemental Order Granting the Third, Eighth, and Ninth Omnibus Objections of Eric D. Green, in his Capacity as Trustee of the Takata Airbag Tort Compensation Trust

Fund, (Substantive) to No Liability Claims is attached Exhibit A, which contains the names of 10 other individuals in addition to the present Appellant, who were affected by Judge Shannon's decision. Since the Trustee's role is as the Trustee of the Takata Airbag Tort Compensation Fund, mediation with one claimant would result in a piecemeal approach to resolution.

No briefing schedule for this appeal is being suggested in this Recommendation.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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