

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

In re:	:	Chapter 11
	:	
MALLINCKRODT PLC, et al.,	:	Bankruptcy Case No. 20-12522 (JTD)
	:	(Jointly Administered)
	:	
Debtors.	:	
	:	
CITY OF ROCKFORD, et al.,	:	
	:	
Appellants,	:	
	:	
v.	:	C.A. No. 21-398-LPS
	:	
MALLINCKRODT PLC, et al.,	:	
	:	
Appellees.	:	

**RECOMMENDATION**

At Wilmington this **30th** day of **April, 2021**.

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, which included information from counsel, 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.

The parties have met and conferred in good faith efforts as to resolution of this matter. Given the nature of the relief granted by the Bankruptcy Court and the issues on appeal, neither believe that mediation would be fruitful.

The parties have propose the following briefing schedule on the merits be entered by this Court:

Appellants' Opening Brief	<b>Monday, June 21, 2021</b>
Appellees' Response Brief	<b>Wednesday, July 21, 2021</b>
Appellants' Reply Brief	<b>Thursday, August 5, 2021</b>

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Since this Recommendation is consistent with the parties' request, no objections are anticipated 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