

expense of the process.

This bankruptcy appeal involves an Order Sustaining Debtors' Objection to City of Marietta Class Proof of Claim decided by the Honorable John T. Dorsey on July 27, 2021. The Appeal was filed on August 10, 2021. On September 2, 2021, a Motion to Consolidate Cases for Procedural Purposes and for Related Relief was filed by Appellee Mallinckrodt plc. The present Appeal is one of many filed in this Court involving Debtor, Mallinckrodt plc. This appeal filed by the City of Marietta, who is named plaintiff in a class action, *City of Marietta v. Mallinckrodt ARD LLC, et al.*, filed in the Northern District of Georgia on behalf of itself and the proposed class it seeks to represent, is the Appellant on this Appeal and Debtors Mallinckrodt and its affiliated debtors in possession, are the Appellees. In the April 2021 time frame, Appellee and Appellant had discussions regarding a global mediation of the Dispute collectively with similar disputes of other parties in connection with Appellees' bankruptcy case. Although Appellant understands that the proposed mediation occurred with other parties, no mediation with Appellant occurred at that time. Appellant is interested in mediation of the dispute.

Appellees disagree with Appellant's characterization of prior events and requests this matter be withdrawn from mandatory mediation based upon the relief granted by the Bankruptcy Court and the issues on Appeal. The Bankruptcy Court disallowed the proof of claim filed by Marietta on behalf of the Proposed Class and this Appeal pertains to whether the Bankruptcy Court committed legal error in doing so.

On September 2, 2021, a motion to consolidate appeals for procedural purposes and for related relief was filed by the Appellees to be consolidated with another appeal,

City of Rockford, Illinois, et al. v Mallinckrodt plc, 21-1161 LPS which it claims involves overlapping issue of law and fact. Appellants agree that consolidation is appropriate, but the appellants in the other appeal do not.

Until the consolidation issue is decided, the parties propose the following briefing schedule:

Appellants' Opening Brief(s)	November 29, 2021
Appellees' Responsive Brief(s)	December 28, 2021
Appellants' Reply Brief(s)	January 11, 2021

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No 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 are anticipated since it is consistent the parties request, specifically their proposed briefing schedule.

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