



Plaintiff Ad Hoc Committee, the Multistate Governmental Entities Group (“MSGE Group”), the Future Claimants’ Representative (“FCR”), together comprising the “Proposed Intervenors” for an order granting the Proposed Intervenors leave to intervene in this bankruptcy appeal. Thereafter, on October 6, 2021, a teleconference was held with this Judge involving all interested parties.

As a result of this teleconference, the Appellant, the Appellee, Mallinckrodt plc, and the Proposed Intervenors agreed that the Order to be addressed on this appeal is 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 Appeal deals with purely legal issues.

The Appellant, Appellee and the Proposed Intervenors plan to propose a joint briefing schedule in this matter. If they are unable to reach agreement in this regard, a briefing schedule will be required.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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 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 because, as presented herein, it is consistent with the telephonic discussion held on October 6, 2021.

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