

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

In re:

VJGJ, INC., *et al.*,

Bankruptcy Case No. 21-11332 (BLS)

Debtors.

ALFRED GIULIANO as *Plan
Administrator for the Post-Effective Date
Debtors*,

Appellant,

v.

KEYSOURCE ACQUISITION, LLC,

Appellee.

C.A. No. 22-989-MN
Bankr. BAP No. 22-45

RECOMMENDATION

At Wilmington this 17th day of November, 2022.

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,¹ to determine the appropriateness of mediation in this matter;

¹ Written information was provided by counsel for the parties which is not made part of the court record because it relates to mediation.

This appeal was filed on July 28, 2022.² Appellee, KeySource Acquisition, LLC filed a motion to dismiss for lack of appellate jurisdiction on August 5, 2022.³ That motion has been fully briefed and is presently pending.

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.

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Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court.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 pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 are anticipated because this Recommendation is consistent with the parties' request.

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

² D.I. 1.

³ D.I. 3.