

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT MICHAEL BOYTER,  
Plaintiff,  
v.  
WELLS FARGO BANK NA, *et al.*,  
Defendants.

No. C 11-3943 SI

**ORDER GRANTING PARTIES'  
REQUEST FOR CONTINUANCE;  
REFERRING CASE TO ADR UNIT FOR  
ASSESSMENT TELEPHONE  
CONFERENCE**

The parties have filed a joint request to continue the motions and case management conference scheduled for December 22, 2011. The parties' request states that plaintiff, who had been proceeding *pro se*, retained an attorney on December 6, 2011, and that plaintiff's counsel needs time to familiarize himself with this case.

The Court GRANTS the request and reschedules the pending motions and case management conference to **February 17, 2012**. The motions shall be heard at 9:00 am and the case management conference shall be held at 2:30 pm.

Pursuant to Civil Local Rule 16-8 and ADR Local Rule **the Court refers this foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone conference to assess this case's suitability for mediation or a settlement conference.** Plaintiff's and defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible, but no later than **January 20, 2012**.

In preparation for the telephone conference, plaintiff shall do the following:

- (1) Review relevant loan documents and investigate the claims to determine whether they have merit.

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- (2) If plaintiff is seeking a loan modification to resolve all or some of the claims, plaintiff shall prepare a current, accurate financial statement and gather all of the information and documents customarily needed to support a loan modification request. Further, plaintiff shall immediately notify defendants' counsel of the request for a loan modification.
- (3) Provide counsel for defendants with information necessary to evaluate the prospects for loan modification, in the form of a financial statement, worksheet or application customarily used by financial institutions.

In preparation for the telephone conference, counsel for defendants shall do the following.

- (1) If defendants are unable or unwilling to do a loan modification after receiving notice of plaintiff's request, counsel for defendants shall promptly notify plaintiff to that effect.
- (2) Arrange for a representative of each defendant with full settlement authority to participate in the telephone conference.

The ADR Unit will notify the parties of the date and time the telephone conference will be held. After the telephone conference, the ADR Unit will advise the Court of its recommendation for further ADR proceedings.

**IT IS SO ORDERED.**

Dated: December 14, 2011

  
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SUSAN ILLSTON  
United States District Judge