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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 VANNA LEN,

No. C 11-4439 SI

9 Plaintiff,

10 v.

11 JP MORGAN CHASE, *et al.*,

12 Defendants.
13 _____/

**ORDER REFERRING CASE TO ADR
UNIT FOR ASSESSMENT TELEPHONE
CONFERENCE AND VACATING
MARCH 16, 2012 HEARING ON
DEFENDANT'S MOTION TO DISMISS**

14 On September 7, 2011, plaintiff filed a complaint against defendants JP Morgan Chase and Bank
15 of America. Plaintiff alleges that defendants engaged in a variety of unfair and fraudulent practices with
16 respect to a mortgage loan initiated in 2007. On January 19, 2012, the case was reassigned to this Court.

17 On January 20, 2012, defendant JP Morgan Chase filed a motion to dismiss plaintiff's complaint.
18 A hearing is scheduled for the motion on March 16, 2012. The hearing set for March 16, 2012 is hereby
19 VACATED. Pursuant to Civil Local Rule 16-8 and ADR Local Rule **the Court refers this**
20 **foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone**
21 **conference to assess this case's suitability for mediation or a settlement conference.** Plaintiff's and
22 defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as
23 soon as possible, but no later than **February 24, 2012.**

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

- 25 (1) Review relevant loan documents and investigate the claims to determine whether
26 they have merit.
27 (2) If plaintiff is seeking a loan modification to resolve all or some of the claims,
28 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. The Court will not reset defendants' motion to dismiss for hearing and further briefing until after it receives the recommendations from the ADR Unit.

IT IS SO ORDERED.

Dated: February 1, 2012



SUSAN ILLSTON
United States District Judge