

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

RICHARD SOWINSKI,)	Case No. 11-6431 SC
)	
Plaintiff,)	ORDER STAYING CASE PENDING
)	<u>MEDIATION</u>
v.)	
)	
WELLS FARGO BANK, N.A.,)	
)	
Defendant.)	
_____)	

On February 27, 2012, Plaintiff Richard Sowinski ("Plaintiff") filed his First Amended Complaint against Defendant Wells Fargo Bank, N.A. ("Defendant"). ECF No. 14 ("FAC"). Generally, Plaintiff alleges that Defendant improperly foreclosed on and sold at a trustee sale his Walnut Creek residence. Id. Two motions are currently pending before the Court: (1) Defendant's Motion to Dismiss the FAC, ECF No. 18; and (2) Defendant's Motion to Expunge Lis Pendens, ECF No. 19. Both motions were filed on March 9, 2012, and noticed for hearing on May 4, 2012. Accordingly, any response from Plaintiff was due on March 23, 2012, and any reply from Defendant was due on March 30, 2012. However, neither party submitted additional briefing.

In these circumstances, the Court normally would issue an Order to Show Cause ("OSC") why the case should not be dismissed

1 for Plaintiff's failure to prosecute. However, on May 18, 2012,
2 the parties filed a stipulation to undergo private mediation. ECF
3 No. 25. The Court approved the stipulation on May 22, 2012. ECF
4 No. 26 ("ADR Order").

5 Rather than issue an OSC at this time, the Court will stay the
6 matter pending the parties' attendance at mediation. The parties
7 agreed to attend mediation by the presumptive deadline of 90 days
8 after entry of the ADR Order, i.e., August 22, 2012. Accordingly,
9 on or before Friday, August 24, 2012, the Court shall receive
10 through its electronic filing system either (1) a notice of
11 voluntary dismissal, if the parties reach settlement, or (2) a
12 single, joint statement advising the Court whether the pending
13 Motions to Dismiss and to Expunge Lis Pendens are ripe for
14 decision. Any joint statement shall conform to the Court's local
15 rules and general orders, and shall not exceed three (3) pages.

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17 IT IS SO ORDERED.

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19 Dated: May 24, 2012



20 UNITED STATES DISTRICT JUDGE

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