

UNITED STATES DISTRICT COURT
Northern District of California
San Francisco DivisionJOSEPH OIYEMHONLAN and
MARTHA OIYMENHONLAN,
Plaintiffs,

No. C 11-06622 EDL

v.
CHASE BANK, QUALITY LOAN SERVICE
CORP., Trustee, and DOES 1-100,
Defendants.

**ORDER REFERRING CASE TO ADR
UNIT FOR ASSESSMENT
TELEPHONE CONFERENCE**

The Court held a hearing on Defendants' Motion to Dismiss on May 1, 2012. At the hearing, counsel for the Defendant stated that a loan modification offer had been made to Plaintiffs, contingent upon the dismissal of the instant case. Counsel for Plaintiffs acknowledged that they had recently received a reasonable loan modification offer, but noted that Plaintiffs had dismissed an earlier case, only to have another foreclosure sale scheduled. Plaintiffs' counsel also expressed concern over mounting attorney fees and Plaintiffs' emotional distress. In light of the parties' acknowledgment at the hearing that the primary relief sought in the Complaint – setting aside the foreclosure sale and allowing Plaintiffs to remain in their home, pursuant to a loan modification agreement – has been offered, and pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, 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.

Plaintiffs, their counsel and Defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible, but no later than May 18, 2012.

Counsel for Plaintiffs and Defendants shall be prepared to discuss the following subjects: the

1 loan modification offer made by Defendants; the damages Plaintiffs claim to have suffered during
2 the foreclosure process; and the prospects for achieving a settlement that accomplishes Plaintiffs'
3 primary goal of staying in their home.

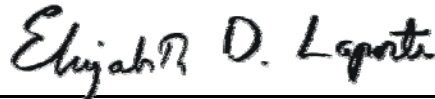
4 The parties need not submit written materials to the ADR Unit for the telephone conference.

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

8
9 IT IS SO ORDERED.

10
11
12 May 3, 2012

By:



Dated

Elizabeth D. Laporte
United States Magistrate Judge