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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 PANFILO FLORES, JR.,

No. C 12-794 SI

9 Plaintiff,

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

10 v.

11 GMAC MORTGAGE, LLC, ET AL.,

12 Defendants.  
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14 On February 17, 2012, plaintiff filed this foreclosure-related action against defendants GMAC  
15 Mortgage LLC, f/k/a GMAC Mortgage Corporation, Executive Trustee Services, LLC d/b/a ETS  
16 Services, LLC, and Mortgage Electronic Registration Systems, Inc. On June 11, 2012, defendants filed  
17 a motion to dismiss plaintiff's complaint for failure to state a claim. A hearing is set for defendants'  
18 motion on July 27, 2012.

19 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this  
20 foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone conference  
21 to assess this case's suitability for mediation or a settlement conference. Plaintiff and Defendants'  
22 counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible  
23 but no later than **July 20, 2012**.

24 Plaintiff and Defendants' counsel shall be prepared to discuss the following subjects:

- 25 (1) Identification and description of claims and alleged defects in loan documents.  
26 (2) Prospects for loan modification.  
27 (3) Prospects for settlement.  
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1 The parties need not submit written materials to the ADR Unit for the telephone conference. In  
2 preparation for the telephone conference, Plaintiff shall do the following:

- 3 (1) Review relevant loan documents and investigate the claims to determine  
4 whether they have merit.
- 5 (2) If Plaintiff is seeking a loan modification to resolve all or some of the claims,  
6 Plaintiff shall prepare a current, accurate financial statement and gather all of  
7 the information and documents customarily needed to support a loan  
8 modification request. Further, Plaintiff shall immediately notify Defendants'  
9 counsel of the request for a loan modification.
- 10 (3) Provide counsel for Defendants with information necessary to evaluate the  
11 prospects for loan modification, in the form of a financial statement, worksheet  
12 or application customarily used by financial institutions.


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

- 14 (1) If Defendants are unable or unwilling to do a loan modification after receiving  
15 notice of Plaintiff's request, counsel for Defendants shall promptly notify  
16 Plaintiff to that effect.
- 17 (2) Arrange for a representative of each Defendant with full settlement authority  
18 to participate in the telephone conference.

19 The ADR Unit will notify the parties of the date and time the telephone conference will be held.  
20 After the telephone conference, the ADR Unit will advise the Court of its recommendation for further  
21 ADR proceedings. The July 27, 2012 hearing date on defendants' motion to dismiss is hereby  
22 VACATED. The motion will be reset for hearing, if necessary, after the conclusion of the ADR Unit's  
23 involvement. The June 22, 2012 Case Management Conference is also VACATED.

24 **IT IS SO ORDERED.**

25 Dated: June 18, 2012

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28 SUSAN ILLSTON  
United States District Judge