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UNITED STATES DISTRICT COURT
Northern District of California

OSCAR JAVIER RAMIREZ,

No. C 12-851 MEJ

Plaintiff,

v.

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

U.S. BANK N.A., et al.,

Defendants.

On May 24, 2012, the Court held a hearing on Plaintiff's Motion to Remand (Dkt. No. 13) and Defendants' Motion to Dismiss (Dkt No. 8). At the hearing, Plaintiff reported that he is willing to attempt to resolve this matter through the Alternative Dispute Resolution (ADR) process with the ADR Unit. Defendants also agreed to participate in the ADR process. Accordingly, the Court re-refers this matter to the ADR Unit pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3. The parties shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible, but no later than June 15, 2012. **Lead counsel for both parties must work in good faith to actively assist the ADR Unit in scheduling the conference and thereafter participate in the phone conference or be subject to sanctions by the Court.**

The parties shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

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

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, 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: May 24, 2012



Maria-Elena James
Chief United States Magistrate Judge