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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 RICHARD YNIGUEZ,

12 Plaintiff,

13 v.

14 WELLS FARGO BANK, N.A., et al.,

15 Defendants.
16

Case No. 13-cv-01746 NC

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

17 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this
18 foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone
19 conference to assess this case's suitability for mediation or a settlement conference.

20 Plaintiff's and Defendants' counsel shall participate in a telephone conference, to be
21 scheduled by the ADR Unit as soon as possible but no later than May 17, 2013.

22 Plaintiff's and Defendants' counsel shall be prepared to discuss the following
23 subjects:

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

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

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ORDER REFERRING CASE TO ADR
UNIT

1 In preparation for the telephone conference, Plaintiff's counsel shall do the
2 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 the
7 information and documents customarily needed to support a loan modification request.
8 Further, Plaintiff's counsel shall immediately notify Defendants' counsel of the request for
9 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 or
12 application customarily used by financial institutions.

13 (4) Arrange for Plaintiff to participate in the telephone conference.

14 In preparation for the telephone conference, counsel for Defendants shall do the
15 following:

16 (1) If Defendants are unable or unwilling to do a loan modification after receiving
17 notice of Plaintiff's request, counsel for Defendants shall promptly notify Plaintiff's counsel
18 to that effect.

19 (2) Arrange for a representative of each Defendant with full settlement authority to
20 participate in the telephone conference.

21 The ADR Unit will notify the parties of the date and time the telephone conference
22 will be held. After the telephone conference, the ADR Unit will advise the Court of its
23 recommendation for further ADR proceedings.

24
25 IT IS SO ORDERED.

26 Date: April 19, 2013

27 
28 Nathanael M. Cousins
United States Magistrate Judge