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United States District Court
Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAMUEL A. NUEZCA, and JUVY P. NUEZCA,

Plaintiffs,

v.

CAPITAL ONE FINANCIAL CORP.,

Defendant.

Case No.: C-13-4081 JSC

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

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. Counsel for each side shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible but no later than 30 days from the date of this Order.

Counsel 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.

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

In preparation for the telephone conference, Plaintiffs shall do the following:

- (1) Review relevant loan documents and investigate the claims to determine whether they have merit.
- (2) If Plaintiffs are seeking a loan modification to resolve all or some of the claims, Plaintiffs shall prepare a current, accurate financial statement and gather all of the information and documents customarily needed to support a loan modification request. Further, Plaintiffs shall immediately notify Defendant's counsel of the request for a loan modification.
- (3) Provide counsel for Defendant 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, counsel for Defendant shall do the following:

- (1) If Defendant is unable or unwilling to do a loan modification after receiving notice of Plaintiffs' request, counsel for Defendant shall promptly notify Plaintiffs to that effect.
- (2) Arrange for a representative 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: October 23, 2013



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE