

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 || DEBRA J. LAINE

No. C 13-4109 SI

12 Plaintiff,

13 || v.

14 WELLS FARGO BANK, N.A.,

**ORDER TO SHOW CAUSE WHY  
TEMPORARY RESTRAINING ORDER  
SHOULD NOT ISSUE AND REFERRING  
CASE TO ADR UNIT FOR ASSESSMENT  
TELEPHONE CONFERENCE**

15 || Defendant.

17 On September 5, 2013, plaintiff filed this *pro se* lawsuit against Wells Fargo Bank, N.A., and  
18 also filed a motion for a temporary restraining order. Plaintiff seeks to enjoin defendant from  
19 foreclosing on her home located at 5450 Betty Circle, Livermore CA 94550, and to rescind a Notice  
20 of Trustee's Sale. The complaint alleges that plaintiff is seeking a loan modification. A trustee's sale  
21 is scheduled for September 24, 2013.

22        Defendant is hereby ORDERED TO SHOW CAUSE in writing no later than 3:00 pm on  
23        September 16, 2013, why the motion for a temporary restraining order should not be granted.

24 Plaintiff is directed to serve this order on defendant no later than September 11, 2013.

25 In addition, pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this  
26 foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone conference  
27 to assess this case's suitability for mediation or a settlement conference. Plaintiff and defendant's  
28 counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible  
but no later than **September 20, 2013**.

1 Plaintiff and defendant's counsel shall be prepared to discuss the following subjects:

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

5 The parties need not submit written materials to the ADR Unit for the telephone conference. In  
6 preparation for the telephone conference, plaintiff shall do the following:

7 (1) Review relevant loan documents and investigate the claims to determine whether they  
8 have merit.

9 (2) If plaintiff is seeking a loan modification to resolve all or some of the claims, plaintiff  
10 shall prepare a current, accurate financial statement and gather all of the information and documents  
11 customarily needed to support a loan modification request. Further, plaintiff shall immediately notify  
12 defendant's counsel of the request for a loan modification.

13 (3) Provide counsel for defendant with information necessary to evaluate the prospects for  
14 loan modification, in the form of a financial statement, worksheet or application customarily used by  
15 financial institutions.

16 In preparation for the telephone conference, counsel for defendant shall do the following:

17 (1) If defendant is unable or unwilling to do a loan modification after receiving notice of  
18 plaintiff's request, counsel for defendants shall promptly notify plaintiff to that effect.

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

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

25 **IT IS SO ORDERED.**

27 Dated: September 10, 2013

26 *Susan Illston*

28 SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE