

United States District Court
For the Northern District of California

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

JONI HIXSON,
Plaintiff,
v.
WELLS FARGO BANK, N.A.,
Defendant.

No. C 14-285 SI

**ORDER REFERRING CASE TO ADR
UNIT FOR ASSESSMENT TELEPHONE
CONFERENCE AND STAYING
BRIEFING ON DEFENDANT’S MOTION
TO DISMISS**

On January 17, 2014, defendant removed this lawsuit to this Court. The complaint alleges that plaintiff was in the process of seeking a loan modification when a notice of default was recorded against plaintiff’s property located at 5 Big Sur Way, Pacifica, California. The complaint seeks to enjoin the foreclosure of plaintiff’s home.

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. Plaintiff and defendant’s counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible.

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.

1 The parties need not submit written materials to the ADR Unit for the telephone conference. In
2 preparation for the telephone conference, plaintiff's counsel shall do the following:

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

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

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

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

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

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

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

20 In light of the referral to the ADR Unit, the Court STAYS the briefing on defendant's motion
21 to dismiss the complaint, and the Court VACATES the May 30, 2014 hearing date on that motion. The
22 Court will set a new briefing schedule and hearing date if necessary.

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24 **IT IS SO ORDERED.**

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26 Dated: April 8, 2014

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SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE