

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 BOSCO WAI-CHOY CHIU,

4 Plaintiff,

5 v.

6 NBS DEFAULT SERVICES, LLC, et al.,

7 Defendants.  
8

Case No. 14-cv-05261-EDL

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

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10 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this  
11 foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone  
12 conference to assess this case's suitability for mediation or a settlement conference. Plaintiff and  
13 Defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit  
14 as soon as possible but no later than January 12, 2014.  
15

16 Plaintiff and Defendants' counsel shall be prepared to discuss the following subjects:

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

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

22 In preparation for the telephone conference, Plaintiff shall do the following:

- 23 (1) Review relevant loan documents and investigate the claims  
24 to determine whether they have merit.  
25 (2) If Plaintiff is seeking a loan modification to resolve all or  
26 some of the claims, Plaintiff shall prepare a current, accurate  
27 financial statement and gather all of the information and  
28 documents customarily needed to support a loan  
modification request. Further, Plaintiff shall immediately  
notify Defendants' counsel of the request for a loan  
modification.

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- (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, counsel for 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: December 12, 2014

  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge