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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATHAN TERRY, et al.,
Plaintiffs,
v.
WELLS FARGO BANK NA, et al.,
Defendants.

Case No. [15-cv-01483-MEJ](#)

**ORDER VACATING CMC AND
MOTION HEARINGS**

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

Pursuant to Civil Local Rule 16-8 and Alternative Dispute Resolution (ADR) Local Rule 2-3, the Court refers this foreclosure-related action to the ADR Unit for a telephone conference to assess the case's suitability for mediation or a settlement conference. The parties shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible, but no later than May 27, 2015. The parties 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.

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 would like 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 counsel for Defendants 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, Defendants shall do the following.

- (1) If unable or unwilling to do a loan modification after receiving notice of the request, Defendants shall promptly notify Plaintiffs 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.

The Case Management Conference and related deadlines, and any noticed motion to dismiss hearing dates and briefing deadlines are VACATED pending resolution of this ADR process.

IT IS SO ORDERED.

Dated: April 29, 2015



MARIA-ELENA JAMES
United States Magistrate Judge