

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BARBARA BEST-SANTOS,  
Plaintiff,  
v.  
WELLS FARGO BANK, N.A., et al.,  
Defendants.

Case No. [15-cv-02323-RS](#)

**ORDER TO SHOW CAUSE**

Shortly after the pending motion to dismiss in this action was filed, the parties filed a stipulation to defer further briefing. In that stipulation, defendant Wells Fargo Bank, N.A., represented to the court that (1) “in-house counsel for the bank authorized a loan modification review for the subject loan,” (2) “[t]he outcome of a modification review may resolve some or all the issues in this litigation,” and (3) “[g]iven that Wells Fargo shall be conducting a loan modification review, the sale on the subject property shall be continued . . . .”

Subsequently, however, Wells Fargo asserted in a Case Management Conference Statement that “obstacles had arisen” and that it wished to proceed with the motion to dismiss in lieu of conducting a loan modification review. Whether Wells Fargo had any independent legal obligation to consider plaintiff for a loan modification/assumption prior to the initiation of this action is a contested issue, subject to resolution at a later juncture. At this point the concern is that Wells Fargo entered into judicial stipulation, adopted by court order, in which it undertook to engage in the loan modification review process. To be excused from that commitment, Wells

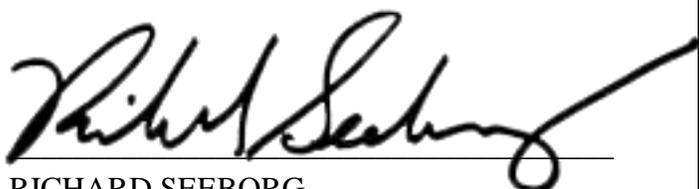
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Fargo must provide a more fulsome explanation of any circumstances constituting good cause.

Accordingly, the hearing date on the pending motion to dismiss is continued to March 3, 2016. No later than February 25, 2016, Wells Fargo shall file a declaration or declarations setting forth the reasons it contends it must or should be released from its commitment to offer plaintiff a loan modification review. In the alternative, Wells Fargo may file a notice that it will proceed with loan modification review, in which case the parties should stipulate to such further continuances of the hearing date and any foreclosure sale date as may be necessary to permit loan modification review to be completed.

**IT IS SO ORDERED.**

Dated: February 11, 2016



RICHARD SEEBORG  
United States District Judge