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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEALE E. JOHNSON,
Plaintiff,
v.
BANK OF AMERICA , N.A., et al.,
Defendants.

Case No. 15-cv-03181-VC
ORDER STAYING CASE

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. All proceedings in this case are stayed pending the outcome of the ADR assessment conference. The motion for preliminary injunction is denied without prejudice to refile it after the stay is lifted. As stipulated by the parties during the August 11, 2015 status conference, the temporary restraining order remains in place during the stay.

After the ADR unit advises the Court of the outcome of the assessment conference, the Court will decide whether the stay should be lifted and, if necessary, issue a further scheduling order.

Plaintiff and Defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible but no later than 60 days from the date of this order.

Plaintiff and Defendants' 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
2 conference.

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

- 4 1. Review relevant loan documents and investigate the claims to determine whether
5 they have merit.
- 6 2. If Plaintiff is seeking a loan modification to resolve all or some of the claims,
7 Plaintiff shall prepare a current, accurate financial statement and gather all of the
8 information and documents customarily needed to support a loan modification
9 request. Further, Plaintiff shall immediately notify Defendants' counsel of the
10 request for a loan modification.
- 11 3. Provide counsel for Defendants with information necessary to evaluate the
12 prospects for loan modification, in the form of a financial statement, worksheet or
13 application customarily used by financial institutions.

14 In preparation for the telephone conference, counsel for Defendants shall do the following.

- 15 1. If Defendants are unable or unwilling to do a loan modification after receiving
16 notice of Plaintiff's request, counsel for Defendants shall promptly notify Plaintiff
17 to that effect.
- 18 2. Arrange for a representative of each Defendant with full settlement authority to
19 participate in the telephone conference.

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

23 **IT IS SO ORDERED.**

24 Dated: August 11, 2015



25 VINCE CHHABRIA
26 United States District Judge