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United States District Court  
For the Northern District of California

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

No. C-16-421 MMC

AMAL HUWEIH,  
Plaintiff,  
v.  
U.S. BANK TRUST, N.A., et al.  
Defendants.

**ORDER REFERRING CASE TO ADR  
UNIT FOR ASSESSMENT TELEPHONE  
CONFERENCE; SUSPENDING  
BRIEFING AND VACATING HEARING  
ON MOTION TO DISMISS**

Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court hereby REFERS this foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone conference to assess said action's suitability for mediation or a settlement conference. Counsel for plaintiff and for defendants shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible but no later than March 4, 2016.

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.

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

1 In preparation for the telephone conference, counsel for plaintiff shall do the  
2 following:

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

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

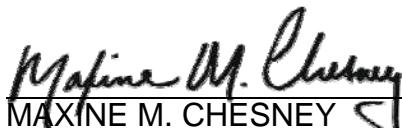
- 16 (1) If defendant is unable or unwilling to do a loan modification after  
17 receiving notice of plaintiff's request, counsel for defendant shall  
18 promptly notify counsel for plaintiff to that effect.
- 19 (2) Arrange for a representative of defendant with full settlement authority  
20 to participate in the telephone conference.

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

24 Lastly, in light of the reference, the briefing schedule on defendant's motion to  
25 dismiss, filed February 1, 2016, is hereby SUSPENDED, and the March 11, 2016 hearing  
26 date on said motion is hereby VACATED, pending further order of the Court.

27 **IT IS SO ORDERED.**

28 Dated: February 11, 2016

  
MAXINE M. CHESNEY  
United States District Judge