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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 DALE NORMAN HARMS,

7 Plaintiff,

8 v.

9 SELECT PORTFOLIO SERVICING, INC.,
10 et al.,

11 Defendants.

Case No. [16-cv-01585-WHO](#)

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

12 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this
13 foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone
14 conference to assess this case's suitability for mediation or a settlement conference. Plaintiff and
15 defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit
16 as soon as possible but no later than **June 10, 2016**.

17 Plaintiff and defendants' counsel shall be prepared to discuss the following subjects:

- 18 (1) Identification and description of claims and alleged defects 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
22 conference.

23 In preparation for the telephone conference, plaintiff's counsel shall do the following:

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

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request. Further, plaintiff shall immediately notify defendants' counsel of the request for a loan modification.

- (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 that 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 June 8, 2016 hearing and briefing schedule on defendants' motion for judgment on the pleadings are VACATED. Dkt. No. 15. If the ADR Assessment proceedings do not resolve the case and the ADR Unit notifies the Court and counsel that it does not recommend further proceedings, either the Court or defendants may re-notice the motion.

IT IS SO ORDERED.

Dated: April 28, 2016



WILLIAM H. ORRICK
United States District Judge