

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE PARMELEE,
Plaintiff,

v.

WELLS FARGO HOME MORTGAGE, et
al.,
Defendants.

Case No. [16-cv-03325-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 Department for a telephone conference to assess the case's suitability for mediation or a settlement conference. All proceedings in this case are stayed pending the outcome of the ADR assessment conference. Any pending motion, such as a motion to dismiss, is denied without prejudice to refile it after the stay is lifted. All other deadlines and hearings, such as any pending Case Management Conference, are vacated. After the ADR Department 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.

The parties shall participate in a telephone conference, to be scheduled by the ADR Department as soon as possible, but no later than July 22, 2016. 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.

1 The parties need not submit written materials to the ADR Unit for the telephone
2 conference. In preparation for the telephone conference, Plaintiff shall do the following:

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

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

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

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

24 **IT IS SO ORDERED.**

25 Dated: June 22, 2016

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28 MARIA-ELENA JAMES
United States Magistrate Judge