

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

3
4 WALTER BURNS and ALICE BURNS,

5 Plaintiffs,

6 v.

7 FIRST AMERICAN TRUSTEE SERVICING
8 SOLUTIONS, LLC, et al.,

9 Defendants.
_____ /

No. C 11-0023 CW

ORDER REFERRING
CASE TO
ALTERNATIVE
DISPUTE
RESOLUTION UNIT
FOR INITIAL
ASSESSMENT

10
11 Pursuant to Civil L.R. 16-8 and ADR L.R. 2-3, the Court refers
12 this foreclosure-related action to the Alternative Dispute
13 Resolution (ADR) Unit to assess this case's suitability for
14 mediation or a settlement conference. Plaintiffs Walter Burns and
15 Alice Burns and Defendants Bank of America and First American
16 Trustee Servicing, or their counsel, shall participate in a
17 telephone conference, to be scheduled by the ADR Unit on a date
18 before January 26, 2011.

19 The parties or their counsel shall be prepared to discuss the
20 following subjects:

- 21 (1) Identification and description of claims and alleged
22 defects in loan documents.
23 (2) Prospects for loan modification.
24 (3) Prospects for settlement.
25 (4) Any other matters that may be conducive to the just,
26 efficient and economical determination of the
27 action.

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

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

- 3 (1) Review relevant loan documents and the claims they
4 have filed.
- 5 (2) If Plaintiffs are seeking a loan modification to
6 resolve all or some of their claims, they shall
7 prepare a current, accurate financial statement and
8 gather all of the information and documents
9 customarily needed to support a loan modification
10 request. Further, Plaintiffs shall immediately
11 notify Defendants' counsel of their request for a
12 loan modification.
- 13 (3) Provide counsel for Defendants with information
14 necessary to evaluate the prospects for loan
15 modification. The general and financial information
16 provided to Defendants may be in the form of a
17 financial statement, worksheet or application
18 customarily used by financial institutions.

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

- 21 (1) If Defendants are unable or unwilling to do a loan
22 modification after receiving notice of Plaintiffs'
23 request, counsel for Defendants shall promptly
24 notify Plaintiffs to that effect.
- 25 (2) Arrange for a representative of each Defendant with
26 full settlement authority to participate in the
27 telephone conference.

28 The ADR Unit will provide the parties with additional
information regarding the telephone conference, including the date
it will be held. After the telephone conference has been held, the
ADR Unit will advise the Court of its recommendation for further
ADR proceedings.

IT IS SO ORDERED.

Dated: January 20, 2011



CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WALTER BURNS and ALICE BURNS,
Plaintiffs,

Case Number: CV11-00023 CW

CERTIFICATE OF SERVICE

v.

FIRST AMERICAN TRUSTEE SERVICING
SOLUTIONS LLP, et al.,
Defendants.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 20, 2011, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the persons hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy into an inter-office delivery receptacle located in the Clerk's office.

Alice Burns
1221 Hookston Road
Concord, CA 94518

Walter Burns
1221 Hookston Road
Concord, CA 94518

Dated: January 20, 2011

Richard W. Wieking, Clerk
By: MP, Deputy Clerk