

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

3
4 JAIME RODRIGUEZ,

No. C 11-03654 CW

5 Plaintiff,

ORDER REFERRING
CASE TO

6 v.

ALTERNATIVE
DISPUTE RESOLUTION
FOR INITIAL
ASSESSMENT

7 WELLS FARGO BANK, N.A.; and FIRST
8 AMERICAN TRUSTEE SERVICING
SOLUTIONS, LLC,

9 Defendants.

10 _____/

11
12 The Court has received notice that the United States
13 Marshal's Service has served a summons on Defendant Wells Fargo
14 Bank, N.A., as required by its October 20, 2011 order.
15 Accordingly, the Court refers this foreclosure-related action to
16 the Alternative Dispute Resolution (ADR) Unit, pursuant to Civil
17 Local Rule 16-8 and ADR Local Rule 2-3, to assess this case's
18 suitability for mediation or a settlement conference. Plaintiff
19 and Defendants' counsel shall participate in a telephone
20 conference, to be scheduled by the ADR Unit on a date within
21 thirty days following this order.
22

23 Plaintiff and Defendants' counsel shall be prepared to
24 discuss the following subjects:

- 25 (1) Identification and description of claims and
26 alleged defects in loan documents.
27 (2) Prospects for loan modification.
28 (3) Prospects for settlement.

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

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

- 5 (1) Review relevant loan documents and conduct a brief
6 investigation of the claims in this action to
7 determine whether they have merit.
- 8 (2) If Plaintiff is seeking a loan modification to
9 resolve all or some of his claims, he shall prepare
10 a current, accurate financial statement and gather
11 all of the information and documents customarily
12 needed to support a loan modification request.
13 Further, Plaintiff shall immediately notify
14 Defendants' counsel of his request for a loan
15 modification.
- 16 (3) Provide counsel for Defendants with information
17 necessary to evaluate the prospects for loan
18 modification. The general and financial
19 information provided to Defendants may be in the
20 form of a financial statement, worksheet or
21 application customarily used by financial
22 institutions.

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

- 25 (1) If Defendants are unable or unwilling to do a loan
26 modification after receiving notice of Plaintiff's
27 request, counsel for Defendants shall promptly
28 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 provide the parties with the date the
telephone conference will be held. After the telephone conference
has been held, the ADR Unit will advise the Court of its
recommendation for further ADR proceedings.

1 As the Court noted in its October 20, 2011 order, Plaintiff
2 has yet to oppose Defendant First American Trustee Servicing
3 Solutions, LLC's pending motion to dismiss, but shall respond
4 within fourteen days after the date the ADR telephone conference
5 is held. If Plaintiff fails to do so, the claims against that
6 Defendant will be dismissed without prejudice for failure to
7 prosecute.
8

9 IT IS SO ORDERED.

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11 Dated: 11/8/2011


CLAUDIA WILKEN
United States District Judge

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17 cc: ADR
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