

United States District Court
For the Northern District of California

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

MATIU K. FA, et al.,
Plaintiffs,
v.
DEUTSCHE BANK NATIONAL TRUST COMPANY,
et al.,
Defendants.

No. 11-04024 CW
ORDER REFERRING
CASE TO ALTERNATIVE
DISPUTE RESOLUTION
FOR INITIAL
ASSESSMENT

_____ /

Pursuant to Civil L.R. 16-8 and ADR L.R. 2-3, the Court refers this foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit to assess this case's suitability for mediation or a settlement conference. Plaintiffs Matiu and Tolifili Fa and Defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit on a date before October 13, 2011.

Plaintiffs and Defendants' 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.

1 (3) Prospects for settlement.

2 (4) Any other matters that may be conducive to the just,
3 efficient and economical determination of the
4 action.

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

7 In preparation for the telephone conference, Plaintiff shall
8 do the following:

9 (1) Review relevant loan documents and conduct a brief
10 investigation of claims to determine whether the
11 claims in this action have merit.

12 (2) If Plaintiff is seeking a loan modification to
13 resolve all or some of his claims, he shall prepare
14 a current, accurate financial statement and gather
15 all of the information and documents customarily
16 needed to support a loan modification request.
17 Further, Plaintiff shall immediately notify
18 Defendants' counsel of his request for a loan
19 modification.

20 (3) Provide counsel for Defendants with information
21 necessary to evaluate the prospects for loan
22 modification. The general and financial information
23 provided to Defendants may be in the form of a
24 financial statement, worksheet or application
25 customarily used by financial institutions.

26 In preparation for the telephone conference, counsel for
27 Defendants shall do the following.

28 (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 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

1 ADR Unit will advise the Court of its recommendation for further
2 ADR proceedings.

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4 IT IS SO ORDERED.

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6 Dated: 9/16/2011



CLAUDIA WILKEN
United States District Judge

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11 cc: ADR

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