

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

3
4 JACK NISSIM,

No. C 12-1201 CW

5 Plaintiff,

ORDER REFERRING
CASE TO ADR UNIT
FOR ASSESSMENT
TELEPHONE
CONFERENCE

6 v.

7 WELLS FARGO BANK, NA, et al.,

8 Defendants.

9 _____/

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11 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the
12 Court refers this foreclosure-related action to the Alternative
13 Dispute Resolution (ADR) Unit for a telephone conference to assess
14 this case's suitability for mediation or a settlement conference.
15 Plaintiff, his counsel and Defendants' counsel shall participate
16 in a telephone conference, to be scheduled by the ADR Unit as soon
17 as possible but no later than May 3, 2012.

18 Counsel for Plaintiff and Defendants shall be prepared to
19 discuss the following subjects:

- 20
21 (1) Identification and description of claims and
 alleged defects in loan documents.
22 (2) Prospects for loan modification.
23 (3) Prospects for settlement.

24 The parties need not submit written materials to the ADR Unit for
25 the telephone conference.

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27 In preparation for the telephone conference, Plaintiff and
28 his counsel shall do the following:

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

IT IS SO ORDERED.

Dated: 4/23/2012


United States District Judge
Claudia Wilken

cc: ADR