

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

3
4 ARMIE CUA CRUZ; and FLORO LORENZO
5 CRUZ, JR.,

6 Plaintiffs,

7 v.

8 JPMORGAN CHASE BANK, NATIONAL
9 ASSOCIATION, et al.,

10 Defendants.

No. C 12-3219

ORDER REFERRING
CASE TO ADR UNIT
FOR ASSESSMENT
TELEPHONE
CONFERENCE

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United States District Court
For the Northern District of California

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12 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the
13 Court refers this foreclosure-related action to the Alternative
14 Dispute Resolution (ADR) Unit for a telephone conference to assess
15 this case's suitability for mediation or a settlement conference.
16 Plaintiffs and Defendants' counsel shall participate in the
17 telephone conference that has scheduled by the ADR Unit for
18 Monday, October 22, 2012 at 2:00 p.m.

19 Plaintiffs and Defendants' counsel shall be prepared to
20 discuss the following subjects:

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

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

- 3 (1) Review relevant loan documents and investigate the
4 claims to determine whether they have merit.
- 5 (2) If Plaintiffs are seeking a loan modification to
6 resolve all or some of the claims, Plaintiffs 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 the request for a loan
12 modification.
- 13 (3) Provide counsel for Defendants with information
14 necessary to evaluate the prospects for loan
15 modification, in the form of a financial statement,
16 worksheet or application customarily used by
17 financial institutions.


18 In preparation for the telephone conference, counsel for
19 Defendants shall do the following:

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

27 After the telephone conference, the ADR Unit will advise the
28 Court of its recommendation for further ADR proceedings.

IT IS SO ORDERED.

Dated: 10/16/2012



CLAUDIA WILKEN
United States District Judge

cc: ADR