

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

3
4 EDWIN KEITH STEPHENS; and EDWIN
5 KEITH STEPHENS LIVING TRUST,

6 Plaintiffs,

7 v.

8 WORLD SAVING BANK; CAL-WESTERN
9 RECONVEYANCE CORPORATION; WELLS
10 FARGO HOME MORTGAGE; WACHOVIA
11 MORTGAGE, FSB; and WELLS FARGO
12 BANK, N.A.,

13 Defendants.

No. C 13-277 CW

ORDER REFERRING
CASE TO ADR UNIT
FOR ASSESSMENT
TELEPHONE
CONFERENCE

14 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the
15 Court refers this foreclosure-related action to the Alternative
16 Dispute Resolution (ADR) Unit for a telephone conference to assess
17 this case's suitability for mediation or a settlement conference.
18 Plaintiffs and Defendants' counsel shall participate in a
19 telephone conference, to be scheduled by the ADR Unit as soon as
20 possible but no later than March 15, 2013.

21 Plaintiffs and Defendants' counsel shall be prepared to
22 discuss the following subjects:

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

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 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
12 loan 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 Plaintiffs 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 The ADR Unit will notify the parties of the date and time the
28 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: 2/21/2013


CLAUDIA WILKEN
United States District Judge

cc: ADR