

E-FILED: June 25, 2013

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SHERRY MELINDA VINCENT,

No. C13-01569 HRL

Plaintiff,

**ORDER REFERRING CASE TO ADR
UNIT FOR ASSESSMENT
TELEPHONE CONFERENCE**

v.

COUNTRYWIDE dba BANK OF
AMERICA, ET AL,

Defendants.

At the June 25, 2013 hearing on defendants' motion to dismiss, the Court indicated an intention to grant defendants' motion with leave to amend. An order on defendants' motion will issue shortly, and plaintiff's amended complaint will be due 30 days from the date of that order.

Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone conference to assess this case's suitability for mediation or a settlement conference. Plaintiff and Defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible but no later than July 23, 2013.

Plaintiff 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.
- (3) Prospects for settlement.

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

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

- 3 (1) Review relevant loan documents and investigate the claims to determine
4 whether they have merit.
- 5 (2) If Plaintiff is seeking a loan modification to resolve all or some of the claims,
6 Plaintiff shall prepare a current, accurate financial statement and gather all of
7 the information and documents customarily needed to support a loan
8 modification request. Further, Plaintiff shall immediately notify Defendants'
9 counsel of the request for a loan modification.
- 10 (3) Provide counsel for Defendants with information necessary to evaluate the
11 prospects for loan modification, in the form of a financial statement,
12 worksheet or application customarily used by financial institutions.

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

- 14 (1) If Defendants are unable or unwilling to do a loan modification after
15 receiving notice of Plaintiff's request, counsel for Defendants shall promptly
16 notify Plaintiff to that effect.
- 17 (2) Arrange for a representative of each Defendant with full settlement authority
18 to participate in the telephone conference.

19 The ADR Unit will notify the parties of the date and time the telephone conference will be
20 held. After the telephone conference, the ADR Unit will advise the Court of its recommendation for
21 further ADR proceedings.

22 **IT IS SO ORDERED.**

23 Dated: June 25, 2013

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25 _____
26 HOWARD R. LLOYD
27 UNITED STATES MAGISTRATE JUDGE
28

1 **C 13-01569 HRL Order will be mailed to:**

2 Sherry Melinda Vincent
3 1385 Whitehurst Court
4 San Jose, CA 95125

4 **C 13-01569 HRL Order will be electronically mailed to:**

5 Shaudee Navid snavid@reedsmith.com

6 **Counsel are responsible for distributing copies of this document to co-counsel who have not**
7 **registered for e-filing under the court's CM/ECF program.**

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