

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ROSALIO ALVAREZ,  
Plaintiff,

v.

NATIONSTAR MORTGAGE LLC,  
Defendant.

Case No. [5:15-cv-04204-HRL](#)

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

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 defendant's counsel shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible but no later than **October 30, 2015**.

Plaintiff and defendant's 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.

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

1 In preparation for the telephone conference, plaintiff shall do the following:

- 2 (1) Review relevant loan documents and investigate the claims to determine whether  
3 they have merit.
- 4 (2) If plaintiff is seeking a loan modification to resolve all or some of the claims,  
5 plaintiff shall prepare a current, accurate financial statement and gather all of the  
6 information and documents customarily needed to support a loan modification  
7 request. Further, plaintiff shall immediately notify defendant's counsel of the  
8 request for a loan modification.
- 9 (3) Provide counsel for defendant with information necessary to evaluate the prospects  
10 for loan modification, in the form of a financial statement, worksheet or application  
11 customarily used by financial institutions.
- 12 (4) In preparation for the telephone conference, counsel for defendant shall do the  
13 following.
- 14 (5) If defendant is unable or unwilling to do a loan modification after receiving notice  
15 of plaintiff's request, counsel for defendant shall promptly notify plaintiff to that  
16 effect.
- 17 (6) Arrange for a representative of each defendant with full settlement authority to  
18 participate in the telephone conference.

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

22 SO ORDERED.

23 Dated: September 16, 2015

24   
25 \_\_\_\_\_  
26 HOWARD R. LLOYD  
27 United States Magistrate Judge  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5:15-cv-04204-HRL Notice has been electronically mailed to:

Mary Kate Sullivan    mks@severson.com, efiling@severson.com, tnl@severson.com

Megan Elizabeth Gruber    meg@severson.com, efiling@severson.com, tjm@severson.com

Nikhil Bhatnagar    bhatnagar.nikhil84@gmail.com