

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KHOA DANG NGUYEN,
Plaintiff,
v.
WELLS FARGO BANK, NA, et al.,
Defendants.

Case No. [16-cv-03043 NC](#)
ADR REFERRAL
Re: Dkt. No. 1

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 8, 2016.

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.

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

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

- (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,

1 Plaintiff shall prepare a current, accurate financial statement and gather all of the information and
2 documents customarily needed to support a loan modification request. Further, Plaintiff shall
3 immediately notify Defendants' counsel of the request for a loan modification.

4 (3) Provide counsel for Defendants with information necessary to evaluate the
5 prospects for loan modification, in the form of a financial statement, worksheet or application
6 customarily used by financial institutions.

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

8 (1) If Defendants are unable or unwilling to do a loan modification after receiving
9 notice of Plaintiff's request, counsel for Defendants shall promptly notify Plaintiff to that effect.

10 (2) Arrange for a representative of each Defendant with full settlement authority to
11 participate in the telephone conference.

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

15 All parties are reminded that they must either consent to or decline the jurisdiction of a
16 U.S. magistrate judge under 28 U.S.C. section 636. A form is attached to make this decision.
17 Both parties are asked to file this form within 14 days.

18 Also attached is a letter providing guidance to additional resources the Court provides
19 people representing themselves in federal court.

20 **IT IS SO ORDERED.**

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Dated: June 20, 2016


NATHANAEL M. COUSINS
United States Magistrate Judge

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**CONSENT OR DECLINATION TO
MAGISTRATE JUDGE JURISDICTION**

INSTRUCTIONS: Please indicate below by checking one of the two boxes whether you (if you are the party) or the party you represent (if you are an attorney in the case) choose(s) to consent or decline magistrate judge jurisdiction in this matter. Sign this form below your selection.

Consent to Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment. I understand that appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

OR

Decline Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case and I hereby request that this case be reassigned to a United States district judge.

DATE:

NAME:
COUNSEL FOR:
(OR "PRO SE:)

Signature

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

280 South 1st Street
San Jose, CA 95113

3 www.cand.uscourts.gov

4 SUSAN Y. SOONG
5 CLERK OF COURT

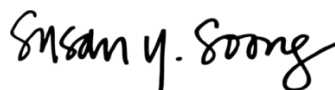
GENERAL COURT NUMBER
408-535-5363

6 To: Pro Se Litigant
7 Re: Representing Yourself Before This Court

8 Dear Pro Se Litigant:

9 If you are representing yourself in federal court without representation by an attorney,
10 that is called proceeding “pro se.” The court has free resources to help you find your way
11 through the court system and procedures. The Federal Pro Se Program at the San Jose
12 Courthouse provides free information and limited-scope legal advice to pro se litigants in
13 federal civil cases. The Federal Pro Se Program is available by appointment and on a drop-in
14 basis. The Federal Pro Se Program is available at Room 2070 in the San Jose United States
15 Courthouse (Monday to Thursday 1:00 – 4:00 pm, on Friday by appointment only), and The
16 Law Foundation of Silicon Valley, 152 N. 3rd Street, 3rd Floor, San Jose, CA (Monday to
17 Thursday 9:00 am – 12:00 pm, on Friday by appointment only), or by calling (408) 297-1480.

18 There are also online resources available on the court’s webpage. The Pro Se
19 Handbook, found at <http://www.cand.uscourts.gov/prosehandbook>, has a downloadable version
20 of the court’s own publication: *Representing Yourself in Federal Court: A Handbook for Pro*
21 *Se Litigants*. Pay special attention to the **Civil Litigation Packets** tab on the left, which
22 provides useful fillable forms. The Pro Se Handbook website also has a link to the Court’s
23 Electronic Case Filing (ECF) website.
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26 Susan Y. Soong

27 Clerk, United States District Court

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Northern District of California

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Case No. [16-cv-03043-NC](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 21, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Khoa Dang Nguyen
471 E. Julian Street
San Jose, CA 95112

Dated: June 21, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Lili Harrell, Deputy Clerk to the
Honorable NATHANAEL M. COUSINS