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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 JOY MACKELL,

12 Plaintiff,

13 v.

14 WELLS FARGO BANK, N.A., et al.,

15 Defendants.
16

Case No. 16-cv-04202 NC

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

Re: Dkt. No. 1

17 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the Court refers this
18 foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone
19 conference to assess this case's suitability for mediation or a settlement conference.

20 Plaintiff and Defendants' counsel shall participate in a telephone conference, to be
21 scheduled by the ADR Unit as soon as possible but no later than September 6, 2016.

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

- 23 (1) Identification and description of claims and 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 the telephone
27 conference.

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

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UNIT

1 (1) Review relevant loan documents and investigate the claims to determine
2 whether they have merit.

3 (2) If Plaintiff is seeking a loan modification to resolve all or some of the claims,
4 Plaintiff shall prepare a current, accurate financial statement and gather all of the
5 information and documents customarily needed to support a loan modification request.
6 Further, Plaintiff shall immediately notify Defendants' counsel of the request for a loan
7 modification.

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

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


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

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

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

21
22 IT IS SO ORDERED.

23 Date: August 3, 2016

24 
25 Nathanael M. Cousins
26 United States Magistrate Judge
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