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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Robert and Margarita Fine, husband wife)

No. CV-06-2542-PHX-LOA

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Plaintiffs,)

**NOTICE OF ASSIGNMENT
AND ORDER**

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vs.)

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Auto-Owners Insurance Company, a)
Michigan corporation; John and Jane Does)
I-X; ABC Corporations I-X; and XYZ)
Partnerships I-X,)

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Defendants.)

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Pursuant to Local Rule 3.8(a), LRCiv, Rules of Practice, effective December 1, 2005, all civil cases are, and will be, randomly assigned to a U.S. district judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S. Magistrate Judge.

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As a result of the aforesaid Order and Rule, if all parties consent in writing, the case will remain with the assigned magistrate judge pursuant to 28 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party chooses the district judge option, the case will be randomly reassigned to a U.S. district judge. To either consent to the assigned magistrate judge or to elect to have the case heard before a district judge, the appropriate section of the form, entitled Consent To Exercise Of Jurisdiction By United States Magistrate Judge¹, must be completed, signed and filed. The party filing the case or

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¹The consent/election form may be obtained directly from the Clerk of the Court or by accessing the District of Arizona’s web site at www.azd.uscourts.gov. To find the consent/election form on the District’s web site, click on “Local Rules” at the top of the page, then click on “forms” on the left side of the page and then click on and print the appropriate

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1 removing it to this Court is responsible for serving all parties with the consent forms. Each
2 party must file a completed consent form and certificate of service with the Clerk of the
3 Court not later than 20 days after entry of appearance, and must serve a copy by mail or hand
4 delivery upon all parties of record in the case.

5 Any party is free to withhold consent to magistrate judge jurisdiction without
6 adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; Anderson v.
7 Woodcreek Venture Ltd., 351 F.3d 911, 913-14 (9th Cir. 2003) (pointing out that consent is
8 the "touchstone of magistrate [judge] jurisdiction" under 28 U.S.C. §636(c).

9 A review of the Court's file indicates that Defendant Auto-Owners Insurance
10 Company filed a Notice of Removal on October 24, 2006.

11 Defendant shall have until November 14, 2006, within which to make its
12 selection to either consent to magistrate judge jurisdiction or elect to proceed before a U. S.
13 district judge. It is unknown if a copy of the appropriate consent form, electronically
14 provided to counsel for appearing Plaintiffs and Defendant by the Clerk at the time the
15 Notice of Removal was filed, was served with the Notice of Removal per the written
16 instructions from the Clerk.

17 Accordingly,

18 **IT IS ORDERED** that the Defendant Auto-Owners Insurance Company shall
19 file on or before **November 14, 2006** its written election to either consent to magistrate judge
20 jurisdiction or elect to proceed before a United States district judge.

21 **IT IS FURTHER ORDERED** that if Defendant has not already done so,
22 Defendant shall serve upon the Plaintiffs the appropriate consent form provided at the time
23 of the filing of its Notice of Removal at the time of service of its Notice of Removal upon
24 the Plaintiffs.

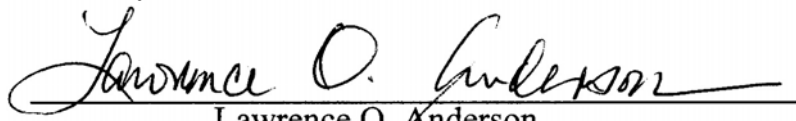
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27 _____
28 form.

1 **IT IS FURTHER ORDERED** that Plaintiffs Robert Fine and Margarita Fine
2 shall either consent to proceed before a magistrate judge or elect to proceed before a district
3 judge by **November 14, 2006**.

4 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented,
5 shall hereinafter comply with the Rules of Practice for the United States District Court for
6 the District of Arizona, as amended on December 1, 2005. The District's Rules of Practice
7 may be found on the District Court's internet web page at www.azd.uscourts.gov/.

8 All other rules may be found as www.uscourts.gov/rules/. The fact that a party is acting pro
9 se does not discharge this party's duties to "abide by the rules of the court in which he
10 litigates." Carter v. Commissioner of Internal Revenue, 784 F.2d 1006, 1008 (9th Cir. 1986).

11 DATED this 30th day of October, 2006.

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13 Lawrence O. Anderson
14 United States Magistrate Judge

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