

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

**WO**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Bruce T. Hara and Edith H. Hara, husband  
and wife,

Plaintiffs,

vs.

Transnation Title Insurance Company, an  
Arizona corporation; Home Equity USA,  
Inc., a Rhode Island corporation registered  
as a foreign corporation in Arizona;  
Wachovia Mortgage Corporation, a  
Delaware corporation registered as a  
foreign corporation in Arizona, John Does  
1-5; Jane Does 1-5; ABC Corporations I-V  
and XYZ Partnerships I-V,

Defendants.

No. CV-06-2903-PHX-LOA

**NOTICE OF ASSIGNMENT  
AND ORDER**

Pursuant to Local Rule 3.8(a), LRCiv, Rules of Practice, effective December 1, 2006, 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.

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

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

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

10 A review of the Court's file indicates that Defendant Home Equity USA, Inc.  
11 has filed a Notice of Removal on December 1, 2006.

12 Defendant Home Equity USA, Inc. shall have until December 22, 2006, within  
13 which to make its selection to either consent to magistrate judge jurisdiction or elect to  
14 proceed before a U. S. district judge. It is unknown if a copy of the appropriate consent  
15 form, electronically provided to counsel for appearing Defendant Home Equity USA, Inc.  
16 by the Clerk at the time the Notice of Removal was filed, was served with the Notice of  
17 Removal per the written instructions from the Clerk.

18 Accordingly,

19 **IT IS ORDERED** that the Defendant Home Equity USA, Inc. shall file on or  
20 before **December 22, 2006** its written election to either consent to magistrate judge  
21 jurisdiction or elect to proceed before a United States district judge.

22 **IT IS FURTHER ORDERED** that if Defendant Home Equity USA, Inc. has  
23 not already done so, Defendant Home Equity USA, Inc. shall serve upon the Plaintiffs and  
24

---

25 <sup>1</sup>The consent/election form may be obtained directly from the Clerk of the Court or  
26 by accessing the District of Arizona's web site at [www.azd.uscourts.gov](http://www.azd.uscourts.gov). To find the  
27 consent/election form on the District's web site, click on "Local Rules" at the top of the page,  
28 then click on "forms" on the left side of the page and then click on and print the appropriate  
form.

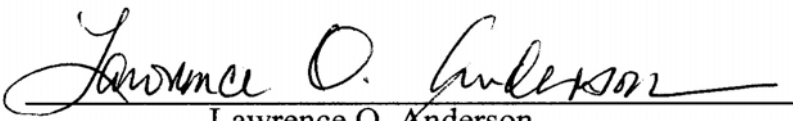
1 Defendants Transnation Title Insurance Company and Wachovia Mortgage Corporation the  
2 appropriate consent form provided at the time of the filing of its Notice of Removal at the  
3 time of service of its Notice of Removal upon the Plaintiffs and Defendants Transnation Title  
4 Insurance Company and Wachovia Mortgage Corporation.

5 **IT IS FURTHER ORDERED** that Plaintiffs Bruce T. Hara and Edith H. Hara  
6 and Defendants Transnation Title Insurance Company and Wachovia Mortgage Corporation  
7 shall either consent to proceed before a magistrate judge or elect to proceed before a district  
8 judge by **December 22, 2006**.

9 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented,  
10 shall hereinafter comply with the Rules of Practice for the United States District Court for  
11 the District of Arizona, as amended on December 1, 2006. The District's Rules of Practice  
12 may be found on the District Court's internet web page at [www.azd.uscourts.gov/](http://www.azd.uscourts.gov/).

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

16 DATED this 7<sup>th</sup> day of December, 2006.

17  
18   
19 Lawrence O. Anderson  
United States Magistrate Judge