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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Priority Records LLC, a California limited liability company; *et al.*,

No. CV-07-1028-PHX-LOA

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Plaintiffs,

ORDER

11

vs.

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Does 1 - 17,

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Defendants.

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This matter arises upon the Court’s review of the Complaint and Plaintiffs’ *Ex Parte* Application for Leave to Take Immediate Discovery. (docket # # 1 and 3) Plaintiffs’ *Ex Parte* Application for Leave to Take Immediate Discovery was terminated without prejudice by the Clerk because it was improperly filed electronically. ECF Policies and Procedure Manual, II, ¶ M at p.18. Plaintiffs may refile Plaintiffs’ *Ex Parte* Application for Leave to Take Immediate Discovery in paper form and shall provide a copy to the undersigned’s chambers.

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Pursuant to Local Rule (“LRCiv”) 3.8(a), Rules of Practice, effective December 1, 2006, civil cases are, and will be, randomly assigned to a United States district judge or to a United States magistrate judge. This matter has been assigned to the undersigned United States Magistrate Judge.

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1 As a result of the aforesaid Local Rule and assignment, if all parties consent
2 in writing, the case will remain with the assigned Magistrate Judge pursuant to Title 28
3 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party
4 chooses the district judge option, the case will be randomly reassigned to a U.S. district
5 judge. To either consent to the assigned Magistrate Judge or to elect to have the case heard
6 before a district judge, the appropriate section of the form, entitled Consent To Exercise Of
7 Jurisdiction By United States Magistrate Judge,¹ must be completed, signed and filed. The
8 party filing the case or removing it to this District Court is responsible for serving all parties
9 with the consent forms. Each party must file a completed consent form and certificate of
10 service with the Clerk of the Court no later than 20 days after entry of appearance or as
11 otherwise directed by the Court, and shall serve a copy upon all other parties of record in the
12 case.

13 Any party is free to withhold consent to magistrate judge jurisdiction without
14 adverse consequences. Title 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson v.*
15 *Woodcreek Venture Ltd.*, 351 F.3d 911, 914 (9th Cir. 2003) (pointing out that consent is the
16 “touchstone of magistrate judge jurisdiction” under Title 28 U.S.C. §636(c)). “A party to a
17 federal civil case has, subject to some exceptions, a constitutional right to proceed before an
18 Article III judge.” *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993) (citing *Pacemaker*
19 *Diagnostic Clinic of Am., Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9th Cir. 1984) (*en*
20 *banc*)).

21 A review of the District Court’s docket reflects that the Complaint was filed
22 on May 22, 2007. Before the undersigned Magistrate Judge considers the merits of Plaintiffs’
23 *Ex Parte* Application, Plaintiffs shall have until and including **Friday, June 1, 2007** within
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25 ¹The consent/election form was electronically provided to Plaintiffs’ counsel by the
26 Clerk on May 23, 2007. (docket # 5) One may also find the consent/election form on the
27 District’s web site, click on “Local Rules” at the top of the page, then click on “Forms” on
28 the left side of the page and then click on and print the appropriate form. Consent/election
forms are not to be e-filed. Consent/election forms are to be filed in paper form with the
Clerk's Office. ECF Policies and Procedure Manual, II, ¶ M at p.19.

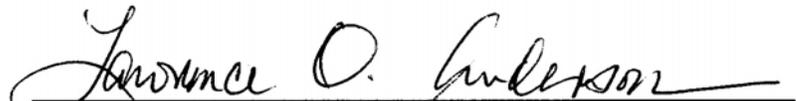
1 which to make their selection to either consent to magistrate judge jurisdiction or elect to
2 have the case assigned to a United States district judge.

3 Accordingly,

4 **IT IS ORDERED** that Plaintiffs shall file their written election to either
5 consent to magistrate judge jurisdiction or election to proceed before a United States district
6 judge on or before **Friday, June 1, 2007**.

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

11 DATED this 24th day of May, 2007.

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14 Lawrence O. Anderson
United States Magistrate Judge