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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Minisoft, Inc.,

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No. CV-07-1215-PHX-LOA

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Plaintiff,

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**NOTICE OF ASSIGNMENT
AND ORDER**

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vs.

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Elite Information Systems, Inc., Thomson
Elite, a business of Thomson Corp.,
Thomson Legal & Regulatory
Applications, Inc., and Thomson Legal &
Regulatory Group,

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Defendants.

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Defendants.

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Pursuant to Local Rule ("LRCiv") 3.8(a), 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.

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As a result of the aforesaid Local Rule and assignment, 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

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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

1 party filing the case or removing it to this Court is responsible for serving all parties with the
2 consent forms. Each party must file a completed consent form and certificate of service with
3 the Clerk of the Court not later than 20 days after entry of appearance, and must serve a copy
4 by mail or hand 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). "A party to a
9 federal civil case has, subject to some exceptions, a constitutional right to proceed before an
10 Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993) (citing *Pacemaker*
11 *Diagnostic Clinic of Am., Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9th Cir. 1984) (*en*
12 *banc*)).

13 A review of the Court's file indicates that Plaintiff's Complaint was filed on
14 June 20, 2007. Plaintiff shall have until July 11, 2007 within which to make its selection to
15 either consent to magistrate judge jurisdiction or elect to proceed before a United States
16 district judge. It is unknown if a copy of the appropriate consent form electronically
17 transmitted to Plaintiff's counsel on June 21, 2007 by the Clerk's office was served with the
18 Complaint per the written instructions from the Clerk.

19 Accordingly,

20 **IT IS ORDERED** that Plaintiff shall file on or before **July 11, 2007** its
21 written election to either consent to magistrate judge jurisdiction or elect to proceed before
22 a United States district judge.

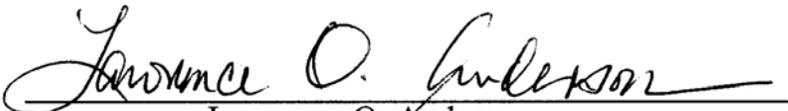
23 **IT IS FURTHER ORDERED** that Plaintiff shall serve upon each Defendant
24 the appropriate consent form electronically transmitted to Plaintiff's counsel on June 21,
25 2007 by the Clerk's office at the time of service of its Complaint upon each Defendant.

26 _____
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 **IT IS FURTHER ORDERED** that each Defendant shall either consent to
2 magistrate judge jurisdiction or elect to proceed before a district judge within twenty (20)
3 days of each Defendant's formal appearance herein.

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, 2006. 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 21st day of June, 2007.

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15 Lawrence O. Anderson
16 United States Magistrate Judge
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