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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Nancy Vallone, a single woman, )

No. CV-07-1474-PHX-LOA

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Plaintiff, )

**NOTICE OF ASSIGNMENT  
AND ORDER**

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vs. )

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Economy Preferred Insurance Company,) )  
an Illinois corporation, dba Metlife Auto & )  
12 Home, )

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Defendant. )

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Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective

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December 1, 2006, all civil cases are, and will be, randomly assigned to a U.S. district

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judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S.

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Magistrate Judge.

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As a result of the aforesaid Local Rule, if all parties consent in writing, the

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case will remain with the assigned magistrate judge pursuant to 28 U.S.C. 636(c)(1) for

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all purposes, including trial and final entry of judgment. If any party chooses the district

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judge option, the case will be randomly reassigned to a U.S. district judge. To either

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consent to the assigned magistrate judge or to elect to have the case heard before a

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district judge, the appropriate section of the form, entitled Consent To Exercise Of

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Jurisdiction By United States Magistrate Judge<sup>1</sup>, must be completed, signed and filed.

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<sup>1</sup>The 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](http://www.azd.uscourts.gov). To find the  
28 consent/election form on the District's web site, click on "Local Rules" at the top of the page,

1 The party filing the case or removing it to this Court is responsible for serving all parties  
2 with the consent forms. Each party must file a completed consent form and certificate of  
3 service with the Clerk of the Court not later than 20 days after entry of appearance, and  
4 must serve a copy 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  
6 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*  
7 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that  
8 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A  
9 party to a federal civil case has, subject to some exceptions, a constitutional right to  
10 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9<sup>th</sup> Cir. 1993)  
11 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541  
12 (9<sup>th</sup> Cir. 1984) (*en banc*)).

13 A review of the Court's file indicates that Defendant Economy Preferred  
14 Insurance Company filed a Notice of Removal on July 31, 2007.

15 Defendant Economy Preferred Insurance Company shall have until **August**  
16 **22, 2007**, within which to make its selection to either consent to magistrate judge  
17 jurisdiction or elect to proceed before a U. S. district judge.

18 Accordingly,

19 **IT IS ORDERED** the Clerk's office shall forthwith mail a copy of the  
20 appropriate consent form to the Plaintiff and electronically send a copy to counsel for  
21 Defendant.

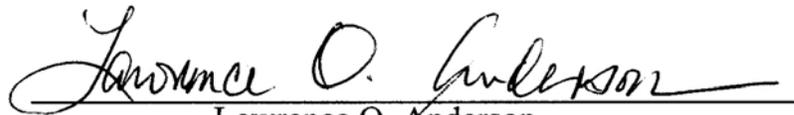
22 **IT IS ORDERED** that the Defendant Economy Preferred Insurance  
23 Company shall file on or before **August 22, 2007** its written elections to either consent to  
24 magistrate judge jurisdiction or elect to proceed before a United States district judge.

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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 Plaintiff shall either consent to proceed  
2 before a magistrate judge or elect to proceed before a district judge by **August 22, 2007**.

3                   **IT IS FURTHER ORDERED** that counsel and any party, if  
4 unrepresented, shall hereinafter comply with the Rules of Practice for the United States  
5 District Court for the District of Arizona, as amended on December 1, 2006. The  
6 District's Rules of Practice may be found on the District Court's internet web page at  
7 [www.azd.uscourts.gov/](http://www.azd.uscourts.gov/). All other rules may be found as [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/). The  
8 fact that a party is acting pro se does not discharge this party's duties to "abide by the  
9 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784  
10 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986).

11                   DATED this 2<sup>nd</sup> day of August, 2007.

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14                   Lawrence O. Anderson  
15                   United States Magistrate Judge  
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