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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Debt Buyers Inc., dba Freedom Capital,
Plaintiff,
vs.
Munir K. Hamati and Tammy A. Hamati,
husband and wife,
Defendants.

No. CV-07-1850-PHX-LOA
**NOTICE OF ASSIGNMENT
AND ORDER**

Munir K. Hamati and Tammy A. Hamati,
husband and wife,
Counterclaimants,
vs.
Debt Buyers, Inc., dba Freedom Capital,
Counterdefendant.

Munir K. Hamati and Tammy A. Hamati,
husband and wife,
Third-Party Plaintiffs,
vs.
Hameroff Lavinsky Law Firm, P.C., an
Arizona Professional corporation,
Third-Party Defendant.

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

1 judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S.
2 Magistrate Judge.

3 As a result of the aforesaid Local Rule, if all parties consent in writing, the
4 case will remain with the assigned magistrate judge pursuant to 28 U.S.C. 636(c)(1) for
5 all purposes, including trial and final entry of judgment. If any party chooses the district
6 judge option, the case will be randomly reassigned to a U.S. district judge. To either
7 consent to the assigned magistrate judge or to elect to have the case heard before a
8 district judge, the appropriate section of the form, entitled Consent To Exercise Of
9 Jurisdiction By United States Magistrate Judge¹, must be completed, signed and filed.
10 The party filing the case or removing it to this Court is responsible for serving all parties
11 with the consent forms. Each party must file a completed consent form and certificate of
12 service with the Clerk of the Court not later than 20 days after entry of appearance, and
13 must serve a copy by mail or hand delivery upon all parties of record in the case.

14 Any party is free to withhold consent to magistrate judge jurisdiction
15 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*
16 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9th Cir. 2003) (pointing out that
17 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A
18 party to a federal civil case has, subject to some exceptions, a constitutional right to
19 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993)
20 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541
21 (9th Cir. 1984) (*en banc*)).

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25 ¹The 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. 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 A review of the Court's file indicates that Defendants/Counterclaimants/
2 Third-Party Plaintiffs Munir K. Hamati and Tammy A. Hamati filed a Notice of Removal
3 on September 27, 2007.

4 Defendants/Counterclaimants/Third-Party Plaintiffs Munir K. Hamati and
5 Tammy A. Hamati shall have until **October 19, 2007**, within which to make their
6 selections to either consent to magistrate judge jurisdiction or elect to proceed before a
7 U. S. district judge. The Clerk of the Court shall electronically transmit the appropriate
8 consent form to all counsel upon receipt of this Order.

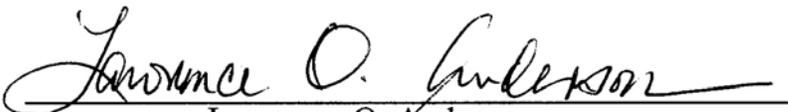
9 Accordingly,

10 **IT IS ORDERED** that Defendants/Counterclaimants/ Third-Party Plaintiffs
11 Munir K. Hamati and Tammy A. Hamati shall file on or before **October 19, 2007** their
12 written elections to either consent to magistrate judge jurisdiction or elect to proceed
13 before a United States district judge.

14 **IT IS FURTHER ORDERED** that Plaintiff/Counterdefendant Debt
15 Buyers, Inc., dba Freedom Capital and Third-Party Defendant Hameroff Lavinsky Law
16 Firm, P.C. shall either consent to proceed before a magistrate judge or elect to proceed
17 before a district judge by **October 19, 2007**.

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

26 DATED this 28th day of September, 2007.

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Lawrence O. Anderson
United States Magistrate Judge