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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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8 State of Arizona, ex rel. Stephen A.)  
9 Owens, Director, Arizona Departmetn of)  
Environmental Quality, )

No. CV-07-1989-PHX-LOA

10

Plaintiff, )

**NOTICE OF ASSIGNMENT  
AND ORDER**

11

vs. )

12

Honeywell International, Inc., a Delaware)  
corporation; and Freescale Semiconductor, )  
13 Inc., a Delaware corporation, )

14

Defendant. )

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Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective  
16 December 1, 2006, all civil cases are, and will be, randomly assigned to a U.S. district  
17 judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S.  
18 Magistrate Judge.

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As a result of the aforesaid Local Rule and assignment, if all parties  
20 consent in writing, the case will remain with the assigned Magistrate Judge pursuant to 28  
21 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party  
22 chooses the district judge option, the case will be randomly reassigned to a U.S. district  
23 judge. To either consent to the assigned magistrate judge or to elect to have the case  
24 heard before a district judge, the appropriate section of the form, entitled Consent To  
25 Exercise Of Jurisdiction By United States Magistrate Judge<sup>1</sup>, must be completed, signed  
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<sup>1</sup>The consent/election form may be obtained directly from the Clerk of the Court or  
28 by accessing the District of Arizona's web site at [www.azd.uscourts.gov](http://www.azd.uscourts.gov). To find the

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

6 Any party is free to withhold consent to magistrate judge jurisdiction  
7 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*  
8 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that  
9 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A  
10 party to a federal civil case has, subject to some exceptions, a constitutional right to  
11 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9<sup>th</sup> Cir. 1993)  
12 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541  
13 (9<sup>th</sup> Cir. 1984) (*en banc*)).

14 A review of the Court's file indicates that Plaintiffs' Complaint was filed  
15 on October 16, 2007. On October 17, 2007, a Notice of Lodging Consent Decree was  
16 filed. (docket #2) Plaintiffs and Defendants shall have until November 2, 2007 within  
17 which to make their selection to either consent to magistrate judge jurisdiction or elect to  
18 proceed before a United States district judge. It is unknown if a copy of the appropriate  
19 consent form electronically transmitted to Plaintiff's counsel on October 17, 2007 by the  
20 Clerk's office was served with the Complaint per the written instructions from the Clerk.

21 Accordingly,

22 **IT IS ORDERED** that Plaintiff and Defendants shall file on or before  
23 **November 2, 2007**, their written elections to either consent to magistrate judge  
24 jurisdiction or elect to proceed before a United States district judge.

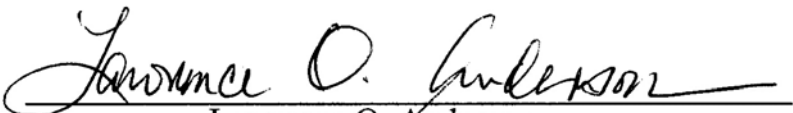
25  
26 \_\_\_\_\_  
27 consent/election form on the District's web site, click on "Local Rules" at the top of the page,  
28 then click on "Forms" on the left side of the page and then click on and print the appropriate  
form.

1                   **IT IS FURTHER ORDERED** that Plaintiffs shall serve upon the  
2 Defendants the appropriate consent form provided at the time of the filing of their  
3 Complaint at the time of service of their Complaint upon the Defendants.

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

7                   **IT IS FURTHER ORDERED** that counsel and any party, if  
8 unrepresented, shall hereinafter comply with the Rules of Practice for the United States  
9 District Court for the District of Arizona, as amended on December 1, 2006. The  
10 District's Rules of Practice may be found on the District Court's internet web page at  
11 [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  
12 fact that a party is acting pro se does not discharge this party's duties to "abide by the  
13 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784  
14 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986).

15                   DATED this 19<sup>th</sup> day of October, 2007.

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18                   Lawrence O. Anderson  
19                   United States Magistrate Judge  
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