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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Matthew B. Goldstein,)

No. CV-08-01859-PHX-LOA

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Plaintiff,)

NOTICE OF ASSIGNMENT

11

vs.)

AND ORDER

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I-Flow, Inc., a Delaware corporation;)
Astrazeneca Pharmaceuticals, LP, a
Delaware corporation; Astrazeneca, LP, a
Delaware corporation; APP
Pharmaceuticals, Inc., a Delaware
corporation; APP Pharmaceuticals, LLC, a
Delaware corporation; Abraxis Bioscience,
Inc., a Delaware corporation; Abbot
Laboratories, an Illinios corporation;)
Abbott Laboratories, d/b/a AP
Pharmaceuticals, Inc., an Illinois
corporation; Abbott Laboratories, Inc.,)
d/b/a Abbott Sales, Marketing &
Distribution Company, a Delaware)
corporation,)

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Defendants.)

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Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective
December 1, 2007, 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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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 Title 28

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

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

19 A review of the District Court’s docket reflects that the Complaint was filed
20 on October 9, 2008. Plaintiff shall have until and including **Friday, October 24, 2008**
21 within which to make hisr selection to either voluntarily consent to magistrate-judge
22 jurisdiction or elect to have the case assigned to a United States district judge.

23 Accordingly,

24 _____
25 ¹The consent/election form was or will be electronically provided to Plaintiff’s
26 counsel by the Clerk. One may also find the consent/election form on the District’s web site,
27 click on “Local Rules” at the top of the page, then click on”Forms” on the left side of the
28 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 **IT IS ORDERED** that Plaintiff shall file his written election to either
2 consent to magistrate-judge jurisdiction or elect to proceed before a United States district
3 judge on or before **Friday, October 24, 2008**.

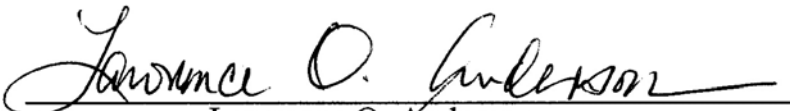
4 **IT IS FURTHER ORDERED** that Defendants I-Flow, Inc., Astrazeneca
5 Pharmaceuticals, LP, Astrazeneca, LP, APP Pharmaceuticals, Inc., APP Pharmaceuticals,
6 LLC, Abraxis Bioscience, Inc., Abbot Laboratories, Abbott Laboratories, d/b/a AP
7 Pharmaceuticals, Inc., Abbott Laboratories, Inc., d/b/a Abbott Sales, Marketing &
8 Distribution Company, shall each file their written elections to either consent to magistrate-
9 judge jurisdiction or elect to have this case assigned to a United States district judge within
10 20 days of each Defendant's appearance herein or as otherwise directed by the Court.

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

15 **IT IS FURTHER ORDERED** that plaintiff's counsel shall use proper
16 capitalization in all future captions as mandated by LRCiv 7.1(a)(3).

17 **IT IS FURTHER ORDERED** that counsel and any party, if unrepresented,
18 shall use the above caption, number and initials until further order of the Court.

19 DATED this 15th day of October, 2008.

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22 Lawrence O. Anderson
23 United States Magistrate Judge
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