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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Rebecca Graham,
Plaintiff,
vs.
Geico General Insurance Company, a
foreign entity; American Family Mutual
Automobile Insurance Company, a foreign
entity; John Does I-X; ABC Corporations
I-X and Black and White Partnerships
and/or Sole Proprietorships I-X,
Defendants.

No. CV-08-02107-PHX-LOA
**NOTICE OF ASSIGNMENT
AND ORDER**

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

As a result of the aforesaid Local Rule, 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

1 Jurisdiction By United States Magistrate Judge¹, must be completed, signed and filed.
2 The party filing the case or removing it to this Court is responsible for serving all parties
3 with the consent forms. Each party must file a completed consent form and certificate of
4 service with the Clerk of the Court not later than 20 days after entry of appearance, and
5 must serve a copy by mail or hand delivery upon all parties of record in 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 (9th 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 (9th Cir. 1993)
12 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541
13 (9th Cir. 1984) (*en banc*)).

14 A review of the Court's file indicates that Defendant Geico General
15 Insurance Company filed a Notice of Removal on November 14, 2008 and Defendant
16 American Family Mutual Insurance Company filed an Answer on November 19, 2008.

17 Defendants Geico General Insurance Company and American Family
18 Mutual Insurance Company shall each have until **Wednesday, December 10, 2008**,
19 within which to make their selections to either consent to magistrate-judge jurisdiction or
20 elect to proceed before a U. S. district judge. The Court's docket reflects the appropriate
21 consent form was electronically transmitted to Defendant Geico General Insurance
22 Company's counsel on November 17, 2008 by the Clerk's office.

23 Accordingly,
24

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 **IT IS ORDERED** that Defendants Geico General Insurance Company and
2 American Family Mutual Insurance Company shall each have until **Wednesday,**
3 **December 10, 2008** within which to file their written elections to either consent to
4 magistrate judge jurisdiction or elect to proceed before a United States district judge.

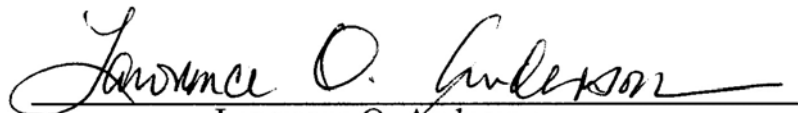
5 **IT IS FURTHER ORDERED** that Plaintiff Rebecca Graham shall either
6 consent to proceed before a magistrate judge or elect to proceed before a district judge by
7 **Wednesday, December 10, 2008.**

8 **IT IS FURTHER ORDERED** that counsel and any party, if
9 unrepresented, shall hereinafter comply with the Rules of Practice for the United States
10 District Court for the District of Arizona, as amended on December 1, 2007. The
11 District's Rules of Practice may be found on the District Court's internet web page at
12 www.azd.uscourts.gov/. All other rules may be found as www.uscourts.gov/rules/. The
13 fact that a party is acting pro se does not discharge this party's duties to "abide by the
14 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784
15 F.2d 1006, 1008 (9th Cir. 1986).

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

19 **IT IS FURTHER ORDERED** that defense counsel for Geico General
20 Insurance Company shall use proper capitalization in all future captions as mandated by
21 LRCiv 7.1(a)(3).

22 DATED this 21st day of November, 2008.

23
24 
25 Lawrence O. Anderson
26 United States Magistrate Judge
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