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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Julia Ann Talley,

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No. CV-08-02165-PHX-LOA

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Plaintiff,

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**NOTICE OF ASSIGNMENT
AND ORDER**

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vs.

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Pembroke Occupational Health, Inc., and
Does 1 through 10,

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Defendants.

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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.

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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
Jurisdiction By United States Magistrate Judge¹, must be completed, signed and filed.

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¹The 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. To find the
consent/election form on the District's web site, click on "Local Rules" at the top of the page,
then click on "forms" on the left side of the page and then click on and print the appropriate

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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 (9th 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 (9th Cir. 1993)
11 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541
12 (9th Cir. 1984) (*en banc*)).

13 A review of the Court's file indicates that Defendant Pembroke
14 Occupational Health, Inc., filed a Notice of Removal on November 24, 2008.

15 Defendant Pembroke Occupational Health, Inc., shall have until
16 **December 15, 2008**, within which to make its selection to either consent to magistrate
17 judge jurisdiction or elect to proceed before a U. S. district judge.

18 Accordingly,

19 **IT IS ORDERED** that the Defendant Pembroke Occupational Health,
20 Inc., shall file on or before **December 15, 2008** its written election to either consent to
21 magistrate judge jurisdiction or elect to proceed before a United States district judge.

22 **IT IS FURTHER ORDERED** that Plaintiff shall either consent to proceed
23 before a magistrate judge or elect to proceed before a district judge by **December 15,**
24 **2008.**

25 **IT IS FURTHER ORDERED** that counsel and any party, if
26 unrepresented, shall hereinafter comply with the Rules of Practice for the United States

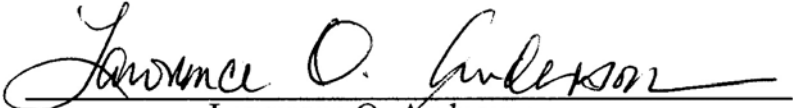
27 _____
28 form.

1 District Court for the District of Arizona, as amended on December 1, 2007. The
2 District's Rules of Practice may be found on the District Court's internet web page at
3 www.azd.uscourts.gov/. All other rules may be found as www.uscourts.gov/rules/. The
4 fact that a party is acting pro se does not discharge this party's duties to "abide by the
5 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784
6 F.2d 1006, 1008 (9th Cir. 1986).

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

10 **IT IS FURTHER ORDERED** that defense counsel shall use proper
11 capitalization in all future captions as mandated by LRCiv 7.1(a)(3).

12 DATED this 26th day of November, 2008.

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16 Lawrence O. Anderson
17 United States Magistrate Judge
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