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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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George H. Rudebusch, Rodney Scott)
Anderson, Gary Bateman, Graydon Lenn)
9 Berlin, John W. Bloom, William Burke,
Timothy P. Bryson, Dowling G. Campbell,
10 David Cornelison, Joe E. Cornett, Leland
R. Dexter, Jack R. Dustman, Christopher)
11 C. Everett, Michael J. Falk, Jay Farness,
Steven Funk, Rebecca Garrison, Hans)
12 Gunderson, Richard C. Hall, Lloyd W.)
Hanson, Steven R. Hemphill, William)
13 Hildred, Thomas D. Hoisch, Edward)
Hood, Denver C. Hospodarsky, Lester J.)
14 Hunt, Robert M. Johnston, Gregory)
Larkin, Eugene B. Loverich, Warren C.)
15 Lucas, Eugene R. Moan, Clay L. Moore,
James C. O'Hara, James V. Pinto, Glenn)
16 M. Reed, Marilya Rees, John P. Sciacca,
Karen E. Schairer, Philip M. Service,
17 James D. Sexton, Wayne Sjoberg,
Constance J. Smith, Stanley W. Swarts,
18 George A. Van Otten, Michael R. Wagner,
Harold A. Widdison, J. Allen Woodman,
19 Robert W. Zoellner, and John and Jane)
Doe Plaintiffs 1-200,)

No. CV-07-8086-PCT-LOA

**NOTICE OF ASSIGNMENT
AND ORDER**

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Plaintiffs,)

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vs.)

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State of Arizona, Northern Arizona)
23 University and Arizona Board of Regents,)

24

Defendants.)

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Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective
26 December 1, 2006, all civil cases are, and will be, randomly assigned to a U.S. district
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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 and assignment, if all parties
4 consent in writing, the case will remain with the assigned Magistrate Judge pursuant to 28
5 U.S.C. 636(c)(1) for all purposes, including trial and final entry of judgment. If any party
6 chooses the district judge option, the case will be randomly reassigned to a U.S. district
7 judge. To either consent to the assigned magistrate judge or to elect to have the case
8 heard before a district judge, the appropriate section of the form, entitled Consent To
9 Exercise Of Jurisdiction By United States Magistrate Judge¹, must be completed, signed
10 and filed. The party filing the case or removing it to this Court is responsible for serving
11 all parties with the consent forms. Each party must file a completed consent form and
12 certificate of service with the Clerk of the Court not later than 20 days after entry of
13 appearance, and must serve a copy by mail or hand delivery upon all parties of record in
14 the case.

15 Any party is free to withhold consent to magistrate judge jurisdiction
16 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*
17 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9th Cir. 2003) (pointing out that
18 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A
19 party to a federal civil case has, subject to some exceptions, a constitutional right to
20 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir. 1993)
21 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541
22 (9th Cir. 1984) (*en banc*)).

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 Plaintiffs' Complaint was filed
2 on August 29, 2007. Plaintiffs shall have until September 20, 2007 within which to
3 make their selections to either consent to magistrate judge jurisdiction or elect to proceed
4 before a United States district judge. It is unknown if a copy of the appropriate consent
5 form electronically transmitted to Plaintiffs' counsel on August 30, 2007 by the Clerk's
6 office was served with the Complaint per the written instructions from the Clerk.

7 Accordingly,

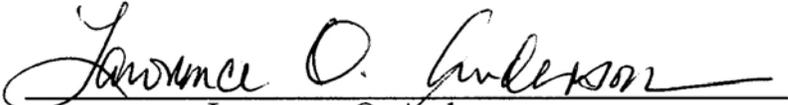
8 **IT IS ORDERED** that Plaintiffs shall file on or before **September 20,**
9 **2007** their written elections to either consent to magistrate judge jurisdiction or elect to
10 proceed before a United States district judge.

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

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

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

25 DATED this 6th day of September, 2007.

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28 Lawrence O. Anderson
United States Magistrate Judge