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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEANNE NOLAN,

No C 05-3399 VRW

Plaintiff,

ORDER

v

HEALD COLLEGE; HEALD COLLEGE
LONG-TERM DISABILITY PLAN;
METROPOLITAN LIFE INSURANCE CO;
PACIFIC EDUCATION FOUNDATION,

Defendants.

_____ /

On August 14, 2009, plaintiff Jeanne Nolan moved for judgment pursuant to FRCP 52. Doc #97. The court seeks to refer this ERISA matter to a United States magistrate judge. It appears to the court that the parties' consent is not required to refer the matter for proposed findings of fact and recommendations for the disposition of the motion pursuant to 28 USC § 636(b)(1)(B). Nevertheless, because no clear authority addresses whether the

1 court may refer a FRCP 52 motion to a magistrate, the court seeks
2 to obtain the parties' consent for a referral under section
3 636(b)(1)(B). Alternatively, the court would welcome the parties'
4 voluntary consent for referral to a magistrate to enter a
5 dispositive decision in the matter under 28 USC § 636(c)(1).

6 The bench trial scheduled for October 20-21 is hereby
7 VACATED. The parties are DIRECTED to inform the court in writing
8 not later than October 23, 2009 whether they consent to either
9 referral described above.

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12 IT IS SO ORDERED.

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16 VAUGHN R WALKER
17 United States District Chief Judge
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