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6 Attorneys for Defendant TD AMERITRADE, INC.

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

11 MATTHEW ELVEY, an individual, on his own  
 behalf and on behalf of all similarly situated,

12 Plaintiff,

13 v.

14 TD AMERITRADE, INC., a New York  
 corporation

15 Defendant.

**CASE NO. C 07 2852 BZ**

**DECLINATION TO PROCEED BEFORE  
 A MAGISTRATE JUDGE AND  
 REQUEST FOR REASSIGNMENT TO A  
 UNITED STATES DISTRICT JUDGE**

17  
 18 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE.

19 The undersigned party hereby declines to consent to the assignment of this case to a  
 20 United States Magistrate Judge for trial and disposition and hereby requests the reassignment of  
 21 this case to a United States District Judge.

23 Dated: June 26, 2007

/s/Lee H. Rubin

24 Lee H. Rubin  
 25 Counsel for Defendant TD AMERITRADE, INC.