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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

ILDA ELIAS, et al.,
Plaintiff(s),
vs.
QUALITY LOAN SERVICE CORP., et al.,
Defendant(s).

No. C 09-0314 MEJ
**ORDER CONTINUING HEARING RE:
DEFENDANTS' MOTION TO DISMISS**
**ORDER DIRECTING PARTIES TO FILE
CONSENT/DECLINATION FORM**

Pending before the Court is Defendants EMC Mortgage Corporation and Wells Fargo Bank's Motion to Dismiss, with a noticed hearing date of March 5, 2009. As Defendants filed their motion on January 30, 2009, it does not comply with the 35-day requirement under Civil Local Rule 7. Accordingly, the Court hereby CONTINUES the hearing to March 12, 2009. The briefing schedule shall be adjusted accordingly.

Further, upon review of the record in this action, the Court notes that not all parties have not filed written consents to Magistrate Judge James' jurisdiction or requests for reassignment to a United States District Court judge for trial. This civil case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance with Title 28, U.S.C. § 636(c), the magistrate judges of this District Court are designated to conduct any and all proceedings in a civil case, including a jury or non-jury trial, and to order the entry of final

1 judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge
2 James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same
3 manner as an appeal from any other judgment of a district court.

4 You have the right to have your case assigned to a United States District Judge for trial and
5 disposition. Accordingly, all parties that have not already done so shall inform the Court whether
6 they consent to Magistrate Judge James' jurisdiction or request reassignment to a United States
7 District Judge for trial. A copy of both the consent and declination forms may be obtained from the
8 Northern District of California's website at <http://www.cand.uscourts.gov/>. From the homepage,
9 click on the "Forms" tab on the left margin, then choose "Civil." The parties shall inform the Court
10 as soon as possible, but no later than February 19, 2009.

11 **IT IS SO ORDERED.**

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13 Dated: February 2, 2009



14 MARIA-ELENA JAMES
15 United States Magistrate Judge
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