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

JOHN NAULTY,

Plaintiff,

v.

GREENPOINT MORTGAGE,

Defendant.

No. C 09-01542 MEJ

**ORDER CONTINUING HEARING RE:
DEFENDANT'S MOTION TO DISMISS**

**ORDER DIRECTING PARTIES TO FILE
CONSENT/DECLINATION**

On April 28, 2009, Defendant Greenpoint Mortgage Funding, Inc. filed a Motion to Dimiss, with a noticed hearing date of May 28, 2009. (Dkt. #10.) As the noticed hearing date fails to comply with Civil Local Rule 7, the Court hereby CONTINUES the hearing to June 11, 2009 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. The briefing schedule, as governed by Civil Local Rule 7, shall be adjusted accordingly.

Further, upon review of the record in this action, the Court notes that the parties have not filed written consents to Magistrate Judge James' jurisdiction. This civil case was randomly assigned to Magistrate Judge 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 trial and entry of final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district court.

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You have the right to have your case assigned to a United States District Judge for trial and disposition. Accordingly, the parties shall inform the court, by way of the enclosed form, whether they consent to Magistrate Judge James' jurisdiction or request reassignment to a United States District Judge for trial. The parties shall inform the Court of their decision by May 14, 2009.

IT IS SO ORDERED.

Dated: April 29, 2009



MARIA-ELEN JAMES
United States Magistrate Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 JOHN NAULTY et al,

5 Plaintiff,

6 v.

7 GREENPOINT MORTGAGE et al,

8 Defendant.

Case Number: CV09-01542 MEJ

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on April 29, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

14 Carol Naulty
15 John Naulty
16 315 Wildberry Lane
17 Brentwood, CA 94513

18 Dated: April 29, 2009

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk

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

JOHN NAULTY et al,
Plaintiff,

No. C 09-1542 MEJ

v.

GREENPOINT MORTGAGE et al,
Defendant(s).

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 18 U.S.C. § 636(c), the undersigned party hereby consents to have a United States Magistrate Judge conduct any and all further proceedings in this case, including trial, and order the entry of final judgment, and voluntarily waives the right to proceed before a United States District Judge.

Dated: _____

Signed by: _____

Counsel for: _____

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

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

Dated: _____

Signed by: _____

Counsel for: _____