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UNITED STATES DISTRICT COURT  
Northern District of California

MARATHON RACING

Plaintiff(s),

No. C 09-04253 MEJ

v.

OCEANS WEST MARINE

Defendant(s).

**ORDER DIRECTING PLAINTIFF TO  
FILE CONSENT/DECLINATION  
FORM**

Pending before the Court is Tracy G. Ferak's pro hac vice application. Upon review of the record in this action, the Court notes that Plaintiff has not filed a written consent 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.

You have the right to have your case assigned to a United States District Judge for trial and disposition. Accordingly, Plaintiff shall inform the Court whether it consents to Magistrate Judge James' jurisdiction or requests reassignment to a United States District Judge for trial. A copy of both the consent and declination forms may be obtained from the Northern District of California's website at <http://www.cand.uscourts.gov/>. From the homepage, click on the "Forms" tab on the left margin, then choose "Civil." The consent/declination form shall be filed by October 27, 2009.

**IT IS SO ORDERED.**

Dated: October 13, 2009



\_\_\_\_\_  
Maria-Elena James  
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT  
For the Northern District of California