

UNITED STATES DISTRICT COURT  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
Northern District of California

HESS ET AL

No. C 11-00458 MEJ

Plaintiff(s),

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

v.

SELECT PORTFOLIO SERVICING, INC.  
ET AL

Defendant(s).

Pending before the Court is Defendants' motion to dismiss. 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 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, the parties shall inform the court, by way of the enclosed form (or the form on the Court's website), 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 March 10, 2011.

**IT IS SO ORDERED.**

Dated: February 17, 2011

  
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Maria-Elena James  
Chief United States Magistrate Judge

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

HESS ET AL

No. C 11-00458 MEJ

Plaintiff(s),

**CONSENT TO ASSIGNMENT OR  
REQUEST FOR REASSIGNMENT**

vs.

SELECT PORTFOLIO SERVICING, INC. ET  
AL

Defendant(s).

\_\_\_\_\_ /

**CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 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: \_\_\_\_\_

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

HESS ET AL

Plaintiff,

v.

SELECT PORTFOLIO SERVICING, INC. ET  
AL

Defendant.

Case Number: 11-00458 MEJ

**CERTIFICATE OF SERVICE**

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

That on February 17, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Allen Hess  
Dynese Mouzakis  
2811 Abbeydale Court  
Brentwood, CA 94513

Dated: February 17, 2011

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