

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GWENDOLYN WALKER SMITH, et al.,  
Plaintiffs,  
v.  
BREAKTHROUGH INTERNATIONAL, et  
al.,  
Defendants.

Case No. 12-cv-01832-JST

**CORRECTED ORDER DIRECTING  
DEFENDANT TO CONSENT OR  
DECLINE TO A MAGISTRATE BY  
APRIL 16 AND ORDERING  
PLAINTIFFS TO NOTIFY THE COURT  
IF THEY NO LONGER CONSENT TO A  
MAGISTRATE**

On July 9, 2012, Plaintiffs Gwendolyn Walker Smith and Zeus Harrison Smith (“Plaintiffs”) consented to proceed before a United States Magistrate Judge in this case. Dkt. Nos. 8 & 9. In February, the Clerk of Court requested that Defendant Breakthrough International (“Defendant”) file a consent or declination to proceed before a Magistrate Judge, but before Defendant’s response was due, Magistrate Judge Spero recused himself from this case. Dkt. Nos. 32 & 33.

The Court hereby orders Defendant to select one of the attached forms documenting its consent or declination to proceed before a Magistrate Judge, and file it with the Court by April 16, 2013. If Plaintiffs no longer consent to proceed before a Magistrate Judge, they are ordered to notify the Court before April 16 that they have withdrawn their consent to proceed before a Magistrate.

The motion hearing currently scheduled for April 17, 2013 is VACATED. The court will reset the hearing, if necessary, if it appears that the case will continue to proceed before this Court.

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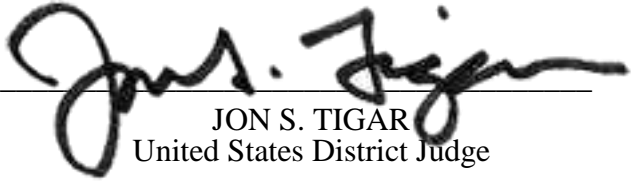
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Plaintiff Gwendolyn Walker Smith's motion to reschedule the April 17 hearing, Dkt. No. 43, is therefore denied as moot.

**IT IS SO ORDERED.**

Dated: April 12, 2013

  
\_\_\_\_\_  
JON S. TIGAR  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 GWENDOLYN WALKER SMITH, et al.,

4 Plaintiffs,

5 v.

6 BREAKTHROUGH INTERNATIONAL, et  
7 al.,

8 Defendants.

Case No. 12-cv-01832-JST

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

9  
10 CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

11 In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party  
12 in the above-captioned civil matter hereby voluntarily consents to have a United States Magistrate  
13 Judge conduct any and all further proceedings in the case, including trial, and order the entry of a  
14 final judgment. Appeal from the judgment shall be taken directly to the United States Court of  
15 Appeals for the Ninth Circuit.

16 Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

18 Counsel for \_\_\_\_\_  
19 (Plaintiff, Defendant or indicate "pro se")

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GWENDOLYN WALKER SMITH, et al.,

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Defendants.

Case No. 12-cv-01832-JST

**DECLINATION TO PROCEED  
BEFORE A MAGISTRATE JUDGE**

DECLINATION TO PROCEED BEFORE 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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Counsel for \_\_\_\_\_  
(Plaintiff, Defendant or indicate "pro se")