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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

GLOBAL QUALITY FOODS, INC.,

Case No. 16-cv-00920-LB

Plaintiff.

v.

**NOTICE REGARDING CONSENT TO
JURISDICTION OF UNITED STATES
MAGISTRATE JUDGE**

VAN HOEKELN GREENHOUSES, INC.,

Re: ECF No. 26

Defendant.

The initial complaint in this action was filed on February 24, 2016. (ECF No. 1.)¹ Under General Order 44, the case was assigned randomly to the undersigned to conduct all proceedings. 28 U.S.C. § 636(c) requires the consent of all parties before the court can address the case on the merits. The plaintiff and the defendant both consented. (ECF Nos. 7 and 16.) Thereafter, the defendant filed a third-party complaint against Total Quality Logistics. (ECF No. 17.) Total Quality Logistics moved to dismiss the complaint for improper venue under Federal Rule 12(b)(3). (ECF No. 26.) It did not file a signed consent to the court's jurisdiction.

There is a split of authority about whether venue motions are dispositive. The court has not researched the issue exhaustively but, for various reasons, the district's practice is to ask for a signed consent or declination before addressing a substantive motion. Any party is free to withhold consent without substantive consequences. If the parties do not consent, likely the case

¹ Record citations refer to material in the Electronic Case File ("ECF"); pinpoint citations are to the ECF-generated page numbers at the top of documents.

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will be randomly assigned to a district judge of this court.

This obviously poses an issue with the pending hearing on August 4. If Total Quality Logistics files its consent by tomorrow, August 2, the court will be able to address the motion on August 4. Alternatively, counsel may need time to consult with the client. If that is so, then the court would continue the hearing for a week (or to any subsequent Thursday that is convenient for counsel). Either way, the court asks Total Quality Logistics to either file its consent or declination or update the court about its timeline by 5:30 p.m. on August 2.

Dated: August 1, 2016



LAUREL BEELER
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GLOBAL QUALITY FOODS, INC.,
Plaintiff.

v.

VAN HOEKELN GREENHOUSES, INC,
Defendant.

Case No. 16-cv-00920-LB

**CONSENT OR DECLINATION
TO MAGISTRATE JUDGE
JURISDICTION**

INSTRUCTIONS: Please indicate below by checking **one** of the two boxes whether you (if you are the party) or the party you represent (if you are an attorney in the case) choose(s) to consent or decline magistrate judge jurisdiction in this matter. Sign this form below your selection.

Consent to Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a United States magistrate judge conduct all further proceedings in this case, including trial and entry of final judgment. I understand that appeal from the judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

OR

Decline Magistrate Judge Jurisdiction

In accordance with the provisions of 28 U.S.C. § 636(c), I **decline** to have a United States magistrate judge conduct all further proceedings in this case and I hereby request that this case be reassigned to a United States district judge.

DATE: _____

NAME: _____

COUNSEL FOR
(OR "PRO SE"): _____

Signature

United States District Court
Northern District of California

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