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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

DIAMOND REAL ESTATE, et al.,
Plaintiffs,
v.
AMERICAN BROKERS CONDUIT, et al.,
Defendants.

Case No. 16-cv-03937-LB

ORDER REGARDING 1) CONSENT OR DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE, 2) SERVICE, AND 3) BRIEFING SCHEDULE

There are three outstanding issues: 1) the issue of consent or declination, 2) the issue of service on American Brokers Conduit, and 3) the plaintiffs’ opposition to the pending motion to dismiss.

1. Consent or Declination

This case was assigned under General Order 44 to Magistrate Judge Laurel Beeler to conduct all proceedings and to order the entry of final judgment upon the consent of all parties. There is a pending motion to dismiss. (*See* ECF No. 7.) The court cannot rule on the motion unless all parties file a signed consent. The court asks the plaintiffs to file and signed the attached “Consent or Declination to Magistrate Judge Jurisdiction” by **August 10, 2016**. The plaintiffs are free to withhold consent without substantive consequences. If parties do not consent, the case will be randomly assigned to a district judge. There is a description of consenting to or declining magistrate-judge jurisdiction on pages 14 and 15 (Chapter 6) of the handbook that the court sent to

1 the plaintiffs. All parties must make that choice by filling out the attached form and either consent
2 to or decline magistrate-judge jurisdiction.

3

4 **2. Status of American Brokers Conduit**

5 The only defendant who has not appeared is American Brokers Conduit. The defendants'
6 counsel filed an update saying that his internet researched revealed that the company filed for
7 bankruptcy in 2010 and went out of business. (*See* ECF No. 15.) When the plaintiffs submit their
8 consent/declination form, the court asks them to submit an update on whether they served or
9 intend to serve American Brokers Conduit. The court advises the plaintiffs that they can dismiss
10 that defendant without prejudice. Also, generally, if a plaintiff does not serve a defendant in 90
11 days, and does not establish good cause for failing to do so, the court can dismiss that defendant
12 from the case without prejudice. *See* Fed. R. Civ. P. 4(m).

13

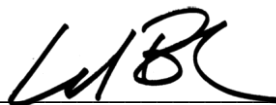
14 **3. Briefing Schedule**

15 The plaintiffs' opposition to the motion to dismiss was due on August 3, 2016. The court did
16 not receive a copy. The court extends the deadline to file an opposition until August 10, 2016.

17 **IT IS SO ORDERED.**

18 Dated: August 4, 2016

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LAUREL BEELER
United States Magistrate Judge

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 DIAMOND REAL ESTATE, et al.,
5 Plaintiffs.

Case No. 16-cv-03937-LB

6 v.

**CONSENT OR DECLINATION
TO MAGISTRATE JUDGE
JURISDICTION**

7 AMERICAN BROKERS CONDUIT, et al.,
8 Defendants.

9
10 **INSTRUCTIONS:** Please indicate below by checking **one** of the two boxes whether you (if you are the party)
11 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.

12 () **Consent to Magistrate Judge Jurisdiction**

In accordance with the provisions of 28 U.S.C. § 636(c), I voluntarily **consent** to have a
13 United States magistrate judge conduct all further proceedings in this case, including trial and
14 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.

15 **OR**

16 () **Decline Magistrate Judge Jurisdiction**

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

19 DATE: _____

NAME: _____

20 COUNSEL FOR
(OR "PRO SE"): _____

21
22 _____
Signature
23
24
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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 DIAMOND REAL ESTATE, et al.,

4 Plaintiffs,

5 v.

6 AMERICAN BROKERS CONDUIT, et al.,

7 Defendants.
8

Case No. 3:16-cv-03937-LB

CERTIFICATE OF SERVICE

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

11
12 That on August 4, 2016, I SERVED a true and correct copy(ies) of the attached, by placing
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.
16

17 Diamond Real Estate
18 28470 Rochelle Ave
Hayward, CA 94544-5452

19 Editha Palancia
20 28470 Rochelle Ave.
Hayward, CA 94544-5452

21 Porfirio P. Jorque
22 28470 Rochelle Ave
Hayward, CA 94544-5452

23 Dated: August 4, 2016

24 Susan Y. Soong
25 Clerk, United States District Court

26
27 By: 
28 Lashanda Scott, Deputy Clerk to the
Honorable LAUREL BEELER