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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COUNCIL 16 NORTHERN  
CALIFORNIA HEALTH AND WELFARE  
TRUST FUND, et al.,

Plaintiff(s),

No. C 09-0570 PJH

v.

**ORDER WITHDRAWING REFERRAL  
TO MAGISTRATE JUDGE AND  
VACATING JUDGMENT**

SUPERIOR CONTRACTING  
SERVICES INC.,

Defendant(s).

Plaintiff's March 26, 2009 declination to consent to the jurisdiction of the magistrate judge makes no sense to the court in light of the stipulated judgment and consent to the jurisdiction of the magistrate judge approved and filed by the court on March 26, 2009.

However, given plaintiff's objection, the referral is hereby **withdrawn**. Additionally, because the court does not understand what was intended by the stipulation, its approval is withdrawn and the **judgment is vacated**.

The parties shall appear for a case management conference to assist the court in understanding their intention. Jurisdiction of the magistrate judge requires consent by both parties, which the court assumed from the title of the document. One party may not withhold consent until some later time or some later event. Instead the matter will simply remain on the docket of the undersigned, who may of course, ultimately refer the matter to

United States District Court  
For the Northern District of California

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a magistrate judge in any event, for a report and recommendation, without the parties' consent. The court suggests that the parties revisit the stipulated judgment before the conference to try to draft something that comports with the court's procedures.

The case management conference shall occur on **April 16, 2009, at 2:30 p.m.**

**IT IS SO ORDERED.**

Dated: April 1, 2009

  
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PHYLLIS J. HAMILTON  
United States District Judge