

Dr Rajani Kanth  
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UNITED STATES DISTRICT COURT  
for the  
District of Massachusetts

FILED  
IN CLERKS OFFICE  
2018 JAN 16 PM 4:04  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

Plaintiff )  
Dr. Rajani Kanth )  
(*Pro Se*) )  
Vs )  
Defendant )  
Harvard University )

CASE#: 1: 17- cv-11520-MBB *NMG*  
MOTION TO CORRECT  
THE JOINT STATEMENT

*Plaintiff (Pro Se) Dr Rajani Kanth, respectfully, brings forward this Motion to Correct the Joint Statement submitted to Court, by Defendant, owing to discovery of a hitherto unknown implication.*

**FACTS**

1. Defendant , recently, submitted a *Joint Statement*, as required, including preferences of Plaintiff.
2. In that document, Plaintiff is represented as consenting to a Magistrate Judge.

*Because plaintiff-moving party is mistaken in his understanding that a reference of the case to a magistrate judge for trial waives his right to a jury trial, see 28 U.S.C. § 636 (c)(1), motion denied. /s/ M Gorton, USDJ 1/26/18*

## ARGUMENT

1. Defendant *accurately* indicated that Plaintiff was in favor of a Magistrate Judge.
2. However, at the Scheduling Conference on January 9, 2018, , Plaintiff learnt , *by virtue of a comment by the Hon'ble Judge, that such an appointment may preclude the possibility of a Jury Trial; which he is anxious to retain.*
3. *If true*, Plaintiff wishes to withdraw that 'preference', as spelt out in the extant Joint Statement (Part IV).
4. Plaintiff was under the impression that a *Magistrate Judge, if chosen, simply presides over a Jury Trial*, rather than a Senior Judge, *thereby making the process a bit more expeditious (unaware that such a substitution obviates a Jury Trial).*
5. Plaintiff renders an apology to Court and to the Defendant for his mistaken supposition (if correct).
6. *In sum, Plaintiff wishes to have a Jury Trial, and if the appointment of a Magistrate Judge preempts that possibility, then he would wish to withdraw that consent.*

## CONCLUSION

As per the arguments proffered above, Plaintiff , deferentially, seeks grace of Court to withdraw Plaintiff's consent to a Magistrate Judge, *if appropriate*, as expressed in the Joint Statement submitted by Defendant, thereby 'correcting' it, in that one particular item.

Respectfully,



**Dr Rajani Kanth**  
(Plaintiff / *Pro se*)

**CERTIFICATE OF MAILING**

This is to attest that a True Copy of this *Motion to Correct* was placed in the US mails , postage-paid first class, on January 16<sup>th</sup> 2018, addressed to: Gabriel Gladstone ,Esq., 200 State Street, Boston, MA 02109-2605.



**Dr Rajani Kanth**

*Plaintiff Pro Se*