

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

UNITED FIRE & CASUALTY)
INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
JERRY LIPPS, et al,)
)
Defendants.)

Case No. 1:07 CV 72 LMB

NOTICE

Plaintiff United Fire and Casualty Company and Defendants Seabaugh and Burke have filed a Stipulation.

Lest the impression be given that the parties are required by the court to consent to jurisdiction of a magistrate judge for the determination of this matter before the matter may proceed, the court points out that there is an alternative not mentioned in the parties' Stipulation and that is an option to have this matter determined by a U.S. District Judge.

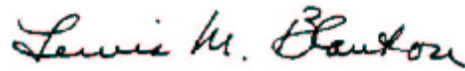
The court is not of the opinion that the parties feel they are required to consent to a magistrate judge, though one might get that impression from the Stipulation.

The requirement that all parties consent to a magistrate judge derives from the otherwise limited jurisdiction of a magistrate judge as opposed to the general jurisdiction of a district judge. That limitation on a magistrate judge's jurisdiction is imposed by statute, 28 U.S.C. § 636(c).

Consent to a magistrate judge's exercise of jurisdiction is required only if the parties wish to give it. They have the alternative of opting for a district judge.

Out of an abundance of caution, the court will wait 10 days from the date of this Notice before proceeding further in this case. During that 10 day period, should any of the parties exercise a district judge option, this case would be reassigned to a district judge.

After the 10 day clarification period, if no party exercises the district judge option, the undersigned magistrate judge will continue and will proceed with the determination of this case.



LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE

Dated this 4th day of May, 2009.