

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFFREY T. TIERNEY,	)	
	)	
Plaintiff,	)	4:11CV3098
	)	
v.	)	
	)	MEMORANDUM AND ORDER
AGA MEDICAL CORPORATION, a	)	
Minnesota Corporation,	)	
	)	
Defendant.	)	

The above-captioned action has been randomly assigned to the undersigned magistrate judge for final disposition, and a motion to dismiss is now pending. The motion to dismiss cannot be ruled on by the assigned magistrate judge unless both parties consent to final disposition by a magistrate judge. If the parties do not so consent, the case will be reassigned to a district judge.

Accordingly,

IT IS ORDERED that to avoid any delay in ruling on this case,

- 1) If the parties consent to final disposition of the case by the undersigned magistrate judge, on or before **September 8, 2011** they shall complete the attached "CONSENT TO EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE." After all parties have signed this form, e-mail it in .pdf format to [consent@ned.uscourts.gov](mailto:consent@ned.uscourts.gov). Do not electronically file this form or submit it to chambers.
- 2) In the absence of timely submitting the attached form in accordance with paragraph (1), the case will be reassigned to a district judge.

August 9, 2011.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge

**IMPORTANT NOTICE: AFTER ALL PARTIES HAVE SIGNED THIS FORM, E-MAIL IT IN .PDF TO [consent@ned.uscourts.gov](mailto:consent@ned.uscourts.gov). IF PLAINTIFF IS PRO SE, MAIL TO THE CLERK'S OFFICE AT 111 South 18<sup>th</sup> Plaza, Suite 1152, Omaha, NE 68102. DO NOT ELECTRONICALLY FILE THIS FORM OR SUBMIT IT TO CHAMBERS.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

,	)	Case Number:
	)	
Plaintiff,	)	CONSENT TO EXERCISE OF JURISDICTION
v.	)	BY A UNITED STATES MAGISTRATE JUDGE
	)	
	)	
Defendant.	)	

CONSENT TO EXERCISE OF JURISDICTION BY UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case hereby voluntarily consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment. Any appeal shall be taken to the United States Court of Appeals for the Eighth Circuit.

<u>Signature of Attorney or Party</u>	<u>Name of Party</u>	<u>Date</u>
_____	For _____	_____
_____	For _____	_____
_____	For _____	_____
_____	For _____	_____

DISTRICT JUDGE OPTION

Pursuant to 28 U.S.C. § 636(c)(2) and Fed. R. Civ. P. 73, the parties in this case hereby acknowledge the availability of a United States Magistrate Judge but elect to have this case randomly assigned to a United States District Judge.

<u>Signature of Attorney or Party</u>	<u>Name of Party</u>	<u>Date</u>
_____	For _____	_____
_____	For _____	_____
_____	For _____	_____