

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>10/7/21</u>
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-----X  
: MYUN-UK CHOI et al.,

:  
: Plaintiffs,

:  
: -v.-

:  
: TOWER RESEARCH CAPITAL LLC, et al.,

:  
: Defendants,

-----X  
: KIMBA M. WOOD, United States District Judge:

**ORDER**

14 Civ. 9912 (KMW)(GWG)

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, a United States Magistrate Judge is available to rule on dispositive motions in this case. If the parties consent to the Magistrate Judge's ruling on a particular motion, no objection to the ruling would be permitted under Fed. R. Civ. P. 72(b)(2). Instead, the ruling would be treated as any other ruling in the case and would be reviewable to the extent the ruling would have been reviewable had it been made by a District Judge, including, if applicable, an appeal to the United States Court of Appeals.


Exercise of jurisdiction by a Magistrate Judge to make a ruling on a dispositive motion is permitted only if all parties voluntarily consent. To determine whether the parties wish to voluntarily consent to Judge Gorenstein ruling on the motion for class certification (Dkt. No. 258), counsel for defendants is directed to send to counsel for plaintiffs on or before October 14, 2021, a copy of the attached consent form bearing either (1) a signature indicating consent to the Magistrate Judge ruling on the class certification motion, or (2) a notation that the defendants do not consent.

On or before October 21, 2021, plaintiffs' counsel is directed to file a letter on ECF either attaching a signed and completed form or stating in the letter that not all parties have consented to the Magistrate Judge ruling on the motion. If any party has not consented, counsel for the plaintiffs shall not state which of the parties have not consented but shall merely state that there has not been consent by all parties.

This Order is not intended to interfere with the parties' right to have a trial and/or any other dispositive proceedings before a United States District Judge. The parties are free to withhold their consent without adverse substantive consequences. If any party withholds consent, the identity of the parties consenting or withholding consent shall not be communicated to any Magistrate Judge or District Judge to whom the case has been assigned.

SO ORDERED.

DATED:       New York, New York  
              October 6, 2021

  
\_\_\_\_\_  
KIMBA M. WOOD  
United States District Judge

# UNITED STATES DISTRICT COURT

for the  
Southern District of New York

MYUN-UK CHOI et al.,

*Plaintiff*

v.  
TOWER RESEARCH CAPITAL LLC, et al.,

*Defendant*

Civil Action No. 14 Civ. 9912 (KMW)

## NOTICE, CONSENT, AND REFERENCE OF A DISPOSITIVE MOTION TO A MAGISTRATE JUDGE

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings and enter a final order dispositive of each motion. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have motions referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's consideration of a dispositive motion.* The following parties consent to have a United States magistrate judge conduct any and all proceedings and enter a final order as to each motion identified below (identify each motion by document number and title).

**Motions:** Docket # 258 (Motion to Certify Class)

*Printed names of parties and attorneys*

*Signatures of parties or attorneys*

*Dates*

## Reference Order

**IT IS ORDERED:** The motions are referred to a United States magistrate judge to conduct all proceedings and enter a final order on the motions identified above in accordance with 28 U.S.C. § 636(c).

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.