

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**RICHARD CANTER, et al.,**

**Plaintiffs,**

v.

**Case No. 2:23-cv-01037**

**JUDGE EDMUND A. SARGUS, JR.**

**Magistrate Judge Kimberly A. Jolson**

**OMEGA HEALTHCARE SERVICES,  
INC., et al.,**

**Defendants.**

**ORDER**

This matter is before the Court on the parties' Joint Motion to Consent to the Jurisdiction of the Magistrate Judge for Settlement Proceedings. (ECF No. 28.) The parties state that they "consent to the jurisdiction of Magistrate Judge Kimberly A. Jolson for the limited purpose of deciding any and all motions connected to and/or related to the settlement of this matter, including all proceedings related to motions demonstrating the fairness of the settlement and the application for attorneys' fees and costs." (*Id.*) But, "if the settlement is not fully approved as proposed, or the matter is not fully resolved for any reason," they "agree that the matter will go forward under the jurisdiction" of the undersigned. (*Id.*)

While litigants in a civil action may consent to the jurisdiction of a magistrate judge, consent can be withdrawn only in "extraordinary circumstances." 28 U.S.C. § 636(c); S.D. Ohio Gen. Order No. COL 14-01; S.D. Ohio Gen. Order No. 22-05; S.D. Ohio Civ. R. 72.1, 72.2. The parties' Joint Motion suggests that they consent to the Magistrate Judge's jurisdiction only if the settlement is approved "as proposed," and if the settlement fails for any reason, the matter will revert to the undersigned. These stipulations depart from the purposes of 28 U.S.C. § 636(c) and

the local rules and general orders, such as judicial economy.

The Joint Motion is **DENIED without prejudice**. (ECF No. 28.) If the parties would like to properly consent to the Magistrate Judge's jurisdiction, they may so move.

**IT IS SO ORDERED.**

6/5/2024  
DATE

s/Edmund A. Sargus, Jr.  
EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE