

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LOUIS D. THOMPSON, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 09-581
)	
v.)	Judge McVerry
)	Magistrate Judge Bissoon
WYRKS TOOL & MACHINE LTD.,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiffs' Motion (**Doc. 55**) for a damages hearing on default judgment is **GRANTED**.

Given that this case has been referred to a magistrate judge under Local Rule 72.G,¹ the damages hearing will proceed before the undersigned, in Courtroom No. 9A, Ninth Floor, United States Post Office and Courthouse, Seventh Avenue and Grant Street, Pittsburgh, Pennsylvania, commencing at **10:00 a.m. on September 27, 2010**. After the hearing, the undersigned will issue a report and recommendation regarding damages for the District Court's consideration.²

¹ Compare Doc. 5 (Plaintiffs' selection of District Judge option) with LCvR. 72.G ("[i]f a party elects to have the case assigned to a District Judge, the Magistrate Judge shall continue to manage the case by deciding non-dispositive motions and submitting reports and recommendations on dispositive motions, unless otherwise directed by the District Judge").

² The undersigned may conduct the damages hearing under 28 U.S.C. § 636 and Local Rule 72.D.1.c. See *Callier v. Gray*, 167 F.3d 977, 982-83 (6th Cir. 1999) (magistrate judge may preside over default judgment damages hearing, and issue report and recommendation, pursuant to 28 U.S.C. § 636(b)); LCvR. 72.D.1.c (endorsing report and recommendation procedures "for review of default judgments"). Notably, moreover, Plaintiffs have declined the District Court's invitation to demonstrate their entitlement to a jury determination on damages. Compare Order dated July 26, 2010 (Doc. 54) at 3 with Pls.' Mot. for Hearing.

Finally, Plaintiffs' request that Louis D. Thompson and Heidi L. Thompson be permitted to testify at the hearing via telephone (*see* Pls.' Mot. at ¶ 7) is DENIED. Rather, the testimony of witnesses must be presented in person, or, alternatively, by video deposition.

IT IS SO ORDERED.

August 17, 2010

s/Cathy Bissoon
Cathy Bissoon
United States Magistrate Judge

cc (via ECF email notification):

All Counsel of Record

cc (via First Class U.S. Mail):

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