

F.R.CIV.P. 73 MAGISTRATE JUDGES; TRIAL BY CONSENT AND APPEAL OPTIONS

L.R. 73-1 Authorization. Any full-time magistrate judge may exercise the authority provided by Title 28, U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, and may conduct any or all proceedings, including a jury or non-jury trial, in a civil case.

L.R. 73-2 Direct Assignment of Cases to Magistrate Judge.

L.R. 73-2.1 Notice. When a case is assigned initially only to a magistrate judge, the Clerk shall provide a Notice and Consent Form to the initiating party advising the parties that they may consent to have the assigned magistrate judge conduct all further proceedings in the case, including the entry of final judgment. The Notice shall advise the parties that they may consent to proceed only before the assigned magistrate judge. The initiating party must serve the Notice and Consent Form on each party at the time of service of the summons and complaint or other initial pleading.

L.R. 73-2.2 Proof of Service. In any case in which only a magistrate judge is initially assigned, plaintiff must file a proof of service within 10 days of service of the summons and complaint.

L.R. 73-2.3 Execution of Statement of Consent. If the parties agree to the exercise of jurisdiction by the magistrate judge, all counsel and any party appearing pro se shall jointly or separately execute and file a statement of consent setting forth such election.

L.R. 73-2.4 Filing of Statement of Consent. If all parties execute and file a statement of consent, the magistrate judge will preside over the case for all purposes, including trial and entry of final judgment as provided by 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73(b). Appeal from a final judgment entered at a magistrate judge's direction may be taken to the court of appeals as would any other appeal from a district-court judgment.

L.R. 73-2.4.1 Cases Originally Filed in District Court. A case originally filed in District Court and initially assigned only to a magistrate judge shall be randomly reassigned to a district judge if any defendant has not filed a statement of consent within 30 days after service of the summons and complaint upon that

defendant, or if the plaintiff has not filed a statement of consent within 30 days after service upon the first-served defendant.

L.R. 73-2.4.2 Cases Removed from State Court. A case initially assigned only to a magistrate judge following removal under 28 U.S.C. § 1441 *et seq.* shall be randomly reassigned to a district judge if, within 11 days after the notice of removal is filed, plaintiff(s) and all defendants upon whom service has been effected have not filed a statement of consent.

L.R. 73-2.5 Party Added After Election to Proceed Before Magistrate Judge. If a party is added to the case after all previous parties have elected to proceed before a magistrate judge, the newly-added party may file a statement of consent within 30 days after the order allowing intervention, or after service of the summons and appropriate pleading. If the newly-added party does not file a statement of consent within this period, the case shall be randomly reassigned to a district judge for further proceedings.

L.R. 73- 2.6 Discovery Assignment. For any case which is originally assigned only to a magistrate judge and then later reassigned to a district judge, a magistrate judge shall be randomly assigned to hear all referred discovery matters.