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CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY V. Ullrich

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PLAN FOR THE REFERRAL OF CIVIL CASES TO FULL-TIME UNITED STATES MAGISTRATES, AMENDMENT OF THE LOCAL RULES GOVERNING THE DUTIES OF MAGISTRATES	GENERAL ORDER NO. 194-C (See G.O. 194-G which deletes certain sections)

WHEREAS, the full-time United States Magistrates in this district are certified by the Ninth Circuit Court of Appeals as being qualified to exercise dispositive authority in civil cases under 28 U.S.C. §636(c), pursuant to the Federal Magistrates Act of 1979; and

WHEREAS, this court has determined that the full-time United States Magistrates in this district shall be specially designated by the Court to exercise dispositive authority in civil cases under 28 U.S.C. §636(c), pursuant to the Federal Magistrates Act of 1979,

IT IS HEREBY ORDERED that the Local Rules governing the Duties of Magistrates for this District be amended by deleting sections 1.10 and section 6.6 and 6.6.01 and that the following provisions replace the language of those sections:

Section 1.10 CIVIL TRIALS:

"In accordance with the provisions of 28 U.S.C. §636(c), and upon the consent of the parties in a civil case and of the Court, a full-time United States Magistrate of the Central District of California may conduct any and all proceedings in a civil case, including jury and non-jury trial, and order the entry of final judgment, pursuant to the provisions of Section 6.6 of the Local Rules Governing the Duties of Magistrates."

Section 6.6 CIVIL TRIAL:

"Whenever a case is assigned for trial by a full-time United States Magistrate pursuant to the provisions of 28 U.S.C. §636(c), the following procedures shall be followed:

6.6.01 Notice (Deleted - See G.O. 194-G)

The clerk of court shall notify the parties in all civil cases that they may consent to have a magistrate conduct all further proceedings in the case, including the entry of a final judgment. Such notice shall be handed or mailed by the clerk to the plaintiff or his representative at the time an action is filed and by the plaintiff or his representative to other parties as attachments to copies of the complaint and summons, when served. Additional notices may be furnished to the parties at later stages of the proceedings, and may be included at the time of mailing pretrial notices and instructions.

6.6.02 Execution of Consent (Deleted - See G.O. 194-G)

The clerk shall not accept a consent form unless it has been signed by all parties in a case. The plaintiff, or the defendant, if the plaintiff is in pro per, shall be primarily responsible for securing the execution of a consent form by the parties and for filing such form with the clerk of court. However, either party may procure the form. No consent form will be made available to a judge or magistrate, nor will its contents be made known to any judge or magistrate, unless all parties have consented to the reference to a magistrate. No magistrate, judge or other court official may attempt to persuade or induce any party to consent to the reference of any matter to a magistrate. This rule, however, shall not preclude a judge, the magistrate or the clerk from informing the parties that they may have the option of referring a case to a magistrate. The consent must be filed prior to the date of the pretrial conference; thereafter, it may be filed only with the consent of the district judge.

6.6.03 Reference

After the consent form has been executed and lodged, the clerk shall transmit it to the judge to whom the case has been assigned for approval. At any time thereafter, the judge in his discretion may approve the reference of all further proceedings in the case to a magistrate. Once the case has been referred to a

magistrate, the magistrate shall have the authority to conduct any and all proceedings and to direct the clerk of court to enter a final judgment in the same manner as if a judge had presided.

6.6.04 Assignment of Cases

Upon receiving the order of reference, the assignment of the case to a magistrate shall be made as follows:

6.6.04.01 ~~A magistrate's card shall be drawn by lot~~.
(Deleted - See G.O. 194-G)

6.6.04.02 The clerk shall immediately notify the magistrate of the assignment and shall transmit the file and Form of Assignment to the magistrate.

6.6.04.03 ~~Thereafter, the clerk shall notify the parties and the judge of the reference and assignment to a magistrate~~.
(Deleted - See G.O. 194-G)

6.6.05 Card Preparation and Report

6.6.05.01 At the outset, the clerk shall prepare approximately 60 cards. Thereafter a sufficient number of cards shall be added to the deck to assure that there will be approximately 25 cards remaining in the deck after assignments during the month and in any event sufficient to permit adjustments required to equalize

case assignments. An equal number of cards shall be prepared for each full-time magistrate including the presiding magistrate unless otherwise ordered.

6.6.05.02 A record of all civil cases referred to magistrates for trial purposes shall be maintained by the clerk and shall be circulated as a report on a quarterly basis to the Chief Judge, the members of the Magistrates Committee and the full-time magistrates. The report shall contain the following information:

.05.02.01 ~~The name of the case and case number~~, (Deleted- See G.O. 194-G)

.05.02.02 The type of case referred, i.e., tort claims, patent, etc.

.05.02.03 Its ultimate disposition,

.05.02.04 Length of trial (if tried),

.05.02.05 Whether by jury of non-jury,

.05.02.06 Whether an appeal was taken and if so, whether the appeal was to the district court or court of appeals.

6.6.06 Evaluation

An evaluation of the assignment of civil cases to magistrates shall be made six months after the program has been inaugurated.

6.6.07 Appellate Procedures

Any appeal from a judgment of a United States Magistrate assigned a case pursuant to this Order shall be taken to the United States Court of Appeals for this district in the same manner as an appeal from any other judgment of the district court pursuant to 28 U.S.C. §636(c)(3). In the alternative, if the parties consent to appeal to this district court pursuant to 28 U.S.C.§636(c)(4) and subject to the limitations specified in 28 U.S.C. §636(c)(5), the appeal shall be directed by the clerk of court to the district judge originally assigned the case.

IT IS FURTHER ORDERED that this General Order shall become effective on May 1, 1981. All civil cases filed on or after May 1, 1981, shall be governed by the Notice provision of Section 6.6.01 as amended herein. Notice to parties in civil cases filed prior to the effective date of this General Order shall be made in the manner deemed appropriate by the District Judge assigned to the case.

IT IS FURTHER ORDERED that the Clerk shall cause the provisions of this rule to be published in the local legal periodical of this District.

DATED: April 8, 1981

A. Andrew Hauk, Chief Judge

William P. Gray

Manuel L. Real

David W. Williams

Robert J. Kelleher

William Matthew Byrne, Jr.

Lawrence T. Lydick

Malcolm M. Lucas

Robert M. Takasugi

Laughlin E. Waters

Mariana R. Pfaelzer

Terry J. Hatter, Jr.

A. Wallace Tashima

David V. Kenyon

Consuelo B. Marshall

UNITED STATES DISTRICT JUDGES