_____
Plaintiff

v.   Civ. No. _____

_____
Defendant

NOTICE OF ASSIGNMENT TO UNITED STATES
MAGISTRATE JUDGE AND CONSENT FORM

NOTICE: PLAINTIFF(S) FILING A NEW CIVIL CASE--AND PLAINTIFF(S) IN A REMOVAL CASE HAVING DEFENDANT(S) WHO STILL MUST BE SERVED--SHALL SERVE THIS NOTICE WITH THE COMPLAINT ON THE DEFENDANT(S)

This civil case has been randomly assigned to United States Magistrate Judge Johnstone for all purposes including trial, entry of final judgment, and any post-judgment proceedings. A Magistrate Judge is permitted to exercise this jurisdiction only if all parties consent. Note that a party may refuse to consent without any adverse substantive consequences.

One party (hereafter the "Filing Party") is responsible to consult with all parties and to electronically file this form with the court advising either that all parties consent to the Magistrate Judge's jurisdiction or that consent is not unanimous. The Filing Party shall submit this consent form as follows: (1) the plaintiff, or the removing defendant if the case was initiated by a Notice of Removal, shall consult with the parties and file this form on or before the deadline for filing the discovery plan (or on or before the deadline for filing the administrative record in an ERISA or IDEA case) <u>unless</u> a defendant files a Rule 12(b) motion, (2) if any defendant files a Fed. R. Civ. P. 12(b) motion or other dispositive motion in lieu of an answer, the plaintiff shall consult with the parties and file this form on or before the deadline for filing a response to the Rule 12(b) motion. Only <u>one</u> document should be filed. While consent is voluntary, submission of this form indicating whether the parties consent to the Magistrate Judge's jurisdiction is <u>mandatory</u>.

CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE
(To Be Completed <u>Only</u> If <u>All</u> Parties Consent)

In accordance with Fed. R. Civ. P. 73, 28 U.S.C. § 636(c), and Local Rule 73.1(b)(2), the undersigned pro se party or counsel of record consent to have Magistrate Judge Johnstone conduct all further proceedings in this case, including trial, entry of judgment and any post-judgment proceedings, with any appeal going directly to the First Circuit Court of Appeals in the same manner as an appeal from any other judgment of this district.

Party Represented	Signature of Counsel/Pro Se Party	Date

(Signatures may be in "/s/" format. <u>See</u> AP 2.7(b). Use additional forms if additional party represented spaces are needed)

~OR~

REFUSAL TO CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE
(To Be Completed If <u>Any</u> Party <u>Does Not</u> Consent--Please <u>DO NOT</u> Identify Party)

In accordance with Fed. R. Civ. P. 73, 28 U.S.C. § 636(c), and Local Rule 73.1(b)(2), the parties advise the court that at least one party does not consent to the Magistrate Judge's jurisdiction. The parties understand that the case will be randomly assigned to proceed before a U.S. District Judge and that pretrial matters may be referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b), Fed. R. Civ. P. 72, and Local Rule 72.1.

Date: _____   _____
                                                              Filing Party (or their counsel)

You need not complete a certificate of service for any party served electronically using the court's CM/ECF system. If a document that is filed electronically must be conventionally served on any attorney or party, the certificate of service shall also state the date the document was filed with the court..

CERTIFICATE OF SERVICE

I hereby certify that this form was electronically filed in the court's electronic filing system and served on the following persons on this date and in the manner specified herein:

Electronically Served Through ECF:

Conventionally Served:

_____   _____
Date   Signature