

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENERAL ORDER - 07-4
December 4, 2007

In order to increase the utilization of the Magistrate Judges and increase the availability of civil trials, the Court has approved a pilot program to randomly assign, at the time of filing, a limited number of civil cases directly to the Magistrate Judges sitting in Boston. This new process is modeled after a successful program implemented in Springfield. This pilot project will continue for two years, absent further Order of the Court.

It is hereby ORDERED that, effective January 1, 2008, the automated case assignment system for civil cases will be modified so that one out of twelve civil cases will be randomly assigned to one of the Magistrate Judges sitting in Boston. Exceptions to this program will be bankruptcy appeals, cases seeking an immediate Temporary Restraining Order and cases filed pursuant to 28 U.S.C. § 2255.

The Clerk shall provide this Order and a form for designating the parties' consent or refusal to the Magistrate Judge's jurisdiction to counsel, or to a party appearing *pro se*, upon the filing of a new civil action. It will be the responsibility of that attorney or *pro se* litigant to serve this notice along with the Summons and Complaint or Notice of Removal. That person will also be responsible for obtaining the other parties' decisions concerning proceeding before the Magistrate Judge and for filing the document within thirty days after the date of service on the last party. The document shall indicate either unanimous consent to final referral of the case to the Magistrate Judge for all purposes including jury or non-jury trial, or that consent to the referral to the Magistrate Judge has been declined. In the latter event, the case will be randomly re-drawn to a District Judge. The previously assigned Magistrate Judge shall continue to be assigned to the case to hear matters referred by the District Judge, in accordance with 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing to consent, submission of the executed form, memorializing consent or refusal to consent to final assignment to the Magistrate Judge, is mandatory.

Until the Court receives for filing either a consent to the Magistrate Judge's jurisdiction or the reassignment of the case to a District Judge, the initial assignment of a civil case to the Magistrate Judge is a referral to the Magistrate Judge under 28 U.S.C. § 636(b) for all pretrial non-dispositive matters other than the Rule 16(b) scheduling conference.

/s/ Mark L. Wolf

Mark L. Wolf
Chief Judge

/s/ Joseph L. Tauro

Joseph L. Tauro
United States District Judge

/s/ Rya W. Zobel

Rya W. Zobel
United States District Judge

/s/ William G. Young

William G. Young
United States District Judge

/s/ Douglas P. Woodlock

Douglas P. Woodlock
United States District Judge

/s/ Nathaniel M. Gorton

Nathaniel M. Gorton
United States District Judge

/s/ Richard G. Stearns

Richard G. Stearns
United States District Judge

/s/ Reginald C. Lindsay

Reginald C. Lindsay
United States District Judge

/s/ Patti P. Saris

Patti B. Saris
United States District Judge

/s/ Nancy Gertner

Nancy Gertner
United States District Judge

/s/ Michael A. Ponsor

Michael A. Ponsor
United States District Judge

/s/ George A. O'Toole

George A. O'Toole
United States District Judge

/s/ F. Dennis Saylor

F. Dennis Saylor IV
United States District Judge