

**Rule 73.1 Conduct of Trials and Disposition of Civil Cases by Magistrate Judges Upon Consent of the Parties - 28 U.S.C. § 636(c)**

(a) **General.** Upon the consent of the parties, a Magistrate Judge may conduct any or all proceedings in any civil case which is filed in this Court, including the conduct of a jury or non-jury trial, and may order the entry of a final judgment, in accordance with 28 U.S.C. § 636(c). In the course of conducting such proceedings upon consent of the parties, a Magistrate Judge may hear and determine any and all pretrial and post-trial motions which are filed by the parties, including case-dispositive motions. (See Appendix F.)

(b) **Recusal, Resignation or Death of Magistrate Judge.** Where there is a general assignment or a referral to a Magistrate Judge pursuant to LR 3.1 or LR 72.2 and the Magistrate Judge thereafter recuses, resigns or dies, the Clerk shall immediately assign another Magistrate Judge to the case in accordance with orders of the Court. Where the parties have consented to the transfer of a civil case to a Magistrate Judge under section (a) above, if the Magistrate Judge thereafter recuses, resigns or dies, the case shall be returned to the District Judge. The Clerk shall immediately assign another Magistrate Judge by the random draw and notify the parties of such new assignment. Within ten (10) days after such notification by the Clerk, the parties shall indicate their consent, or lack thereof, to transferring the case to the newly-assigned Magistrate Judge under 28 U.S.C. § 636(c). If the parties consent, section (a) above shall control. If the parties do not consent to the transfer, the case shall remain with the District Judge.

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