

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF TENNESSEE  
OFFICE OF THE CLERK  
KNOXVILLE DIVISION  
800 Market St., Suite 130  
Knoxville, Tennessee 37902  
(865) 545-4228

To: ALL COUNSEL OF RECORD

Date: JULY 19, 2005

Re: NEELY v. FOX OF AOK RIDGE, INC., ET. AL.; 3:05-CV-304

**NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION**

In accordance with the provisions of Title 28, U.S.C. 636(c) and Fed.R.Civ.P. 73, you and counsel for all parties are hereby notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case, including a jury or nonjury trial and entry of a final judgment. Exercise of jurisdiction by a magistrate judge in this case is, however, permitted only if all parties voluntarily consent.

If counsel for all parties consent to a magistrate judge conducting all proceedings in this case, these forms will be docketed and filed. Unless and until all parties consent, forms will be kept in a confidential file to which district judges and magistrate judges will not have access, and will eventually be destroyed if the case does not get referred.

You may, without adverse consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or district judge.

An appeal from a judgment entered by a magistrate judge may be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Once the case is referred to a magistrate judge, every effort will be made to schedule your case for trial promptly before the assigned magistrate. The magistrate judges do not have to delay civil cases for felony criminal trials; therefore, you can be assured of a firm trial date if you consent.

Patricia L. McNutt, Clerk

By: s/Bobby Talebian  
Deputy Clerk

**CONSENT TO JURISDICTION BY  
UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C. Sec. 636(c)(1), the undersigned (party) (counsel of record for \_\_\_\_\_) in the above-captioned civil matter hereby voluntarily consents to have the United States Magistrate Judge who was assigned to this case when it was filed conduct any and all further proceedings in the case, including trial and entry of a final judgment, with direct review by the Sixth Circuit Court of Appeals if an appeal is filed.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Print Name: \_\_\_\_\_

***Upon completion of this form (consenting only), please return to the Clerk's Office by e-mail at [KnoxClerk@tned.uscourts.gov](mailto:KnoxClerk@tned.uscourts.gov).***

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