SUMMONS IN A CIVIL ACTION

CIV. 1a (2-61)
(Formerly D.C. Form No.45a Rev. (6-19))

United States District Court

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

NOTICE OF RIGHT TO CONSENT TO DISPOSITION BY A MAGISTRATE
ATTACHED TO ALL SUMMONS COPIES

CIVIL ACTION FILE NO. _____

THE MAGNAVOX COMPANY, a Corporation, and SANDERS ASSOCIATES, INC., a Corporation,

C 82 5270 TEH

Plaintiffs

v.

ACTIVISION, INC., a Corporation,

Defendant

SUMMONS

To the above named Defendant :

You are hereby summoned and required to serve upon

PILLSBURY, MADISON & SUTRO
JEROME C. DOUGHERTY

plaintiff's attorneys, whose address

225 Bush Street
Mailing Address P.O. Box 7880
San Francisco, CA 94120

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

WILLIAM L. WHITTAKER
Clerk of Court.

ROBERT MONNETT Deputy Clerk.

Date: SEP 28 1982

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

NOTICE OF RIGHT TO CONSENT TO DISPOSITION

OF A CIVIL CASE BY A UNITED STATES MAGISTRATE

In accordance with the newly-enacted "Federal Magistrates Act of 1979" (Public Law 96-82, October 10, 1979, Section 636(c) of Title 28, U.S.C., the parties may consent, by written request, that "any or all proceedings in a jury or nonjury civil matter" may be conducted by a "magistrate who serves as a full-time judicial officer." This civil jurisdiction includes entry of judgment at the conclusion of trial and "appeal directly to the appropriate United States Court of Appeals...in the same manner as an appeal from any other judgment of a district court." In the alternative, the consent of the parties may reserve "an appeal on the record to a judge of the district court in the same manner as an appeal from a judgment of the district court to a court of appeals."

All full-time magistrates have been specially designated to exercise jury or non-jury civil jurisdiction in the Northern District of California.

When plaintiff files a complaint, the clerk, as required by 28 U.S.C., § 636(c)(2), shall provide forms of consent (attached to this notice). Plaintiff shall complete the selected form at the time of filing or at any time within 10 days of such filing, and mail it directly to the clerk. The clerk shall also staple

copies of the consent to the summons which is served upon parties named as defendants. They shall complete the appropriate consent form within 10 days of receipt of service and also mail it to the clerk.*

Consent of the parties shall be voluntary and shall be communicated directly to the Clerk of the United States District Court. Neither a district judge nor a magistrate will attempt to persuade or induce a party to give consent to a reference of the case to a magistrate.

*At any time after proceedings are commenced, the parties may stipulate that a magistrate may conduct a civil bench or jury trial and submit such stipulation to the assigned judge in accordance with the provisions of LR 405(k). In his discretion, the judge may refer the matter to a magistrate pursuant to the stipulation.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

Plaintiff,	)	
v.	)	DOCKET NO.
Defendant.	)	

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to the above-captioned civil proceeding hereby waive their right to proceed before a Judge of the United States District Court and consent to have a United States Magistrate conduct all further proceedings in the case, including the trial of the case, and order the entry of judgment.

/___/ The parties further consent to appeal directly to the United States Court of Appeals for this Circuit in the same manner as an appeal from any judgment of the District Court.

/___/ The parties further consent to appeal on the record to a judge of the District Court in conformity with Local Rule 410-2(b).

Counsel for Plaintiff/Defendant

ORDER OF REFERENCE

IT IS HEREBY ORDERED that the above-captioned matter be referred to the office of Chief United States Magistrate Owen E. Woodruff for assignment. The designated Magistrate will conduct all further proceedings and enter judgment in accordance with 28 U.S.C. § 636(c) and the foregoing consent of the parties.

UNITED STATES DISTRICT JUDGE