



the Commissioner of Social Security denying a period of disability and disability benefits or a claim for Supplemental Security Income based upon disability, coded "863" and "864," respectively, on Form JS-44, Civil Cover Sheet ("Social Security cases").

2. That, unless renewed on or before November 29, 2001, or unless otherwise provided by further order of court, this Order shall cease to be effective on November 30, 2001.

3. That the Clerk be and is hereby DIRECTED to serve a photocopy of this Order and the form entitled "Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction in Social Security Disability Case" upon plaintiff's counsel or any pro se plaintiff (hereinafter collectively described as "plaintiff") at the time of service of the Notice of Designation of Track One Case under Local Rule 3.05.

4. That plaintiffs in Social Security cases are hereby advised of the announcement by the United States Attorney, on behalf of the Commissioner, that in an effort to simplify and facilitate the administration of justice in Social Security cases, the Commissioner will more carefully consider consenting to Magistrate Judge jurisdiction in said cases in the Tampa Division. Plaintiff is hereby reminded of its own right to consent to Magistrate Judge jurisdiction. If plaintiff wishes to consent, then plaintiff should sign the form entitled "Notice of Availability of a United States Magistrate Judge to Exercise Jurisdiction in Social Security Disability Case" and serve the same upon the United States Attorney either at the time of service of the Notice of Designation Under Local Rule 3.05 or at a convenient time thereafter.

5. That, upon receipt of plaintiff's consent, if any, defendant shall either execute the consent and file the same, serving plaintiff with a conformed copy, or notify

plaintiff that defendant will not consent. See Rembert v. Apfel, 213 F.3d 1331 (11<sup>th</sup> Cir. 2000)(parties may not be deemed to consent through inaction; rather, consent must be express and on the record). The parties are hereby DIRECTED to avoid disclosing to the Court which party withheld its consent, if either. See Fed. R. Civ. P. 73(b).

6. That, inasmuch as consent to Magistrate Judge jurisdiction, if given, will conserve the resources of the parties and the District Court, the Magistrate Judges of the Tampa Division shall assist the parties in conserving their own resources by rendering uniform scheduling orders in all Social Security cases, regardless of consent, which scheduling orders shall essentially provide only as follows:

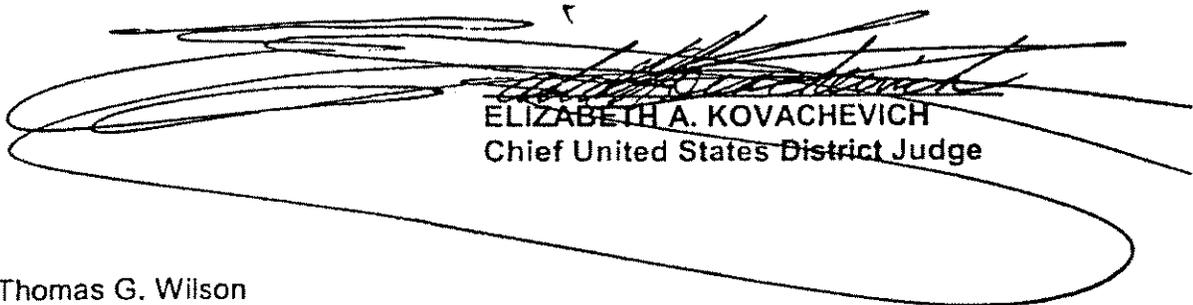
- a. Without prejudice to the right of the parties to file mutual consent to Magistrate Judge jurisdiction, the scheduling orders shall not require the parties to file a joint statement of any kind, including but limited to a joint statement pertaining to the possibility of future consent to Magistrate Judge jurisdiction;
- b. The scheduling orders shall require plaintiff to submit a memorandum of law in support of the allegations of the complaint within sixty (60) days of the date of the scheduling order and shall require the Commissioner to submit a memorandum of law in support of his position within sixty (60) days of the serving of the plaintiff's memorandum;
- c. The scheduling orders shall provide that the parties' legal memoranda must set forth the parties' respective contentions as to the issue presented and the grounds for relief requested; that the parties' contentions must be supported by specific reference to the pages of the record relied upon and by appropriate citations to legal authority supporting the parties' respective

positions; and that the issues before the Court shall be deemed limited to those issues properly raised and supported by either party.

7. That the Clerk be and is hereby DIRECTED to convene a meeting during October, 2001, with notice to those persons who participated in the meeting of October 10, 2000, and such other members of the Social Security claimants' bar as the Clerk may elect to notify, for the purposes of determining the effectiveness of the foregoing procedures in facilitating the administration of justice in Social Security cases in the Tampa Division and recommending renewal of this Order or such other court action as may then be appropriate.

So Ordered.

DONE and ORDERED this 2ND day of JANUARY, 2001, in chambers at Tampa, Florida.



ELIZABETH A. KOVACHEVICH  
Chief United States District Judge

cc:

Honorable Thomas G. Wilson  
Sr. United States Magistrate Judge

Stuart Markman, Esq.  
Chair, Local Rules Advisory Committee

Emily Lawyer, Esq.

Michael Steinberg, Esq.

United States Attorney's Office

Clerk of Court



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

Dear Counsel:

Enclosed with this letter is a communication from the Clerk of this Court affording you the opportunity, with the approval of the U.S. District Judge, to consent to the reference of any part or all of the proceedings in this case to a U.S. Magistrate Judge, including reference for final disposition.

Careful consideration should be given to this option.

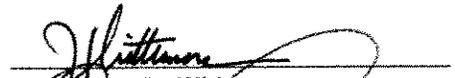
To assist the federal courts in coping with dramatically increased caseloads, Congress authorized the reference to a U.S. Magistrate Judge of any part or all of the proceedings in a civil case, both jury and non-jury, upon consent of all parties (28 U.S.C. § 636(c)). All of the U.S. District Judges in this District refer cases under this provision to our able and experienced U.S. Magistrate Judges who are almost always able to schedule early and firm trial dates in accordance with the needs of the parties.

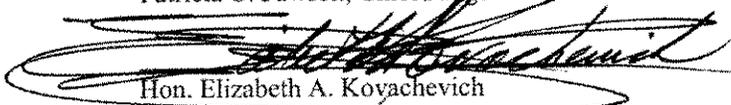
Whether to consent to a reference to a U.S. Magistrate Judge is entirely up to you and your client. This case has not been specifically selected for this program; the Clerk sends out this notice in every civil case. If a party declines to consent to a reference, that fact is known only to the Clerk and not to any of the District or Magistrate Judges.

This program has proved to be of great benefit to counsel, client, and the Court.

Sincerely yours,

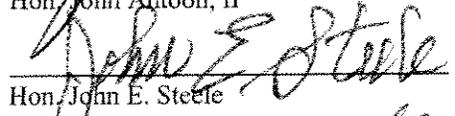
  
Patricia C. Fawcett, Chief Judge

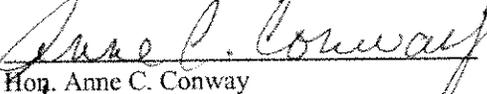
  
Hon. James D. Whittemore

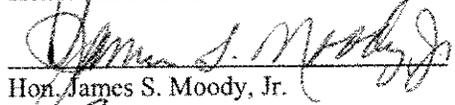
  
Hon. Elizabeth A. Kovachevich

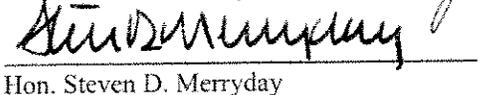
  
Hon. John Antoon, II

  
Hon. Harvey E. Schlesinger

  
Hon. John E. Steele

  
Hon. Anne C. Conway

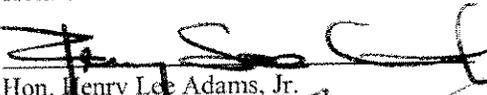
  
Hon. James S. Moody, Jr.

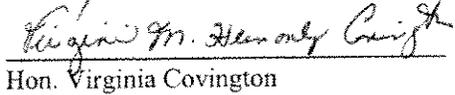
  
Hon. Steven D. Merryday

  
Hon. Gregory A. Presnell

  
Hon. Susan C. Bucklew

  
Hon. Timothy J. Corrigan

  
Hon. Henry Lee Adams, Jr.

  
Hon. Virginia Covington

  
Hon. Richard A. Lazzara

UNITED STATES DISTRICT COURT

District of \_\_\_\_\_

NOTICE, CONSENT, AND ORDER OF REFERENCE—  
EXERCISE OF JURISDICTION BY A UNITED STATES  
MAGISTRATE JUDGE

Plaintiff  
V.

Case Number:

Defendant

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

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are 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 to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive 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 to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall 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 this district court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented	Signatures	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**ORDER OF REFERENCE**

IT IS ORDERED that this case be referred to \_\_\_\_\_  
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C.  
§636(c) and Fed.R.Civ.P. 73.

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.