

Wherefore the plaintiff demands judgment that the property be condemned and that just compensation for the taking be ascertained and awarded and for such other relief as may be lawful and proper.

United States Attorney.

Address

(Here state an address within the district where the United States Attorney may be served, as "United States Court House, New York, N. Y.")

1If the plaintiff is not the United States, but is, for example, a corporation invoking the power of eminent domain delegated to it by the state, then this paragraph 1 of the complaint should be appropriately modified and should be preceded by a paragraph appropriately alleging federal jurisdiction for the action, such as diversity. See Form 2.

2And where appropriate add a citation to any applicable Executive Order.

3At the commencement of the action the plaintiff need name as defendants only the persons having or claiming an interest in the property whose names are then known, but prior to any hearing involving the compensation to be paid for a particular piece of property the plaintiff must add as defendants all persons having or claiming an interest in that property whose names can be ascertained by an appropriate search of the records and also those whose names have otherwise been learned. See Rule 71A(c)(2).

4The plaintiff should designate, as to each separate piece of property, the defendants who have been joined as owners thereof or of some interest therein. See Rule 71A(c)(2).

(As added May 1, 1951, eff. Aug. 1, 1951.)

Form 30. Suggestion of Death Upon the Record Under Rule 25(a)(1)

A. B. [describe as a party, or as executor, administrator, or other representative or successor of C. D., the deceased party] suggests upon the record, pursuant to Rule 25(a)(1), the death of C. D. [describe as party] during the pendency of this action.

(Added Jan. 21, 1963, eff. July 1, 1963.)

Form 31. Judgment on Jury Verdict

United States District Court for the Southern District of New York

Civil Action, File Number

A. B., Plaintiff v. C. D., Defendant Judgment

This action came on for trial before the Court and a jury, Honorable John Marshall, District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict.

It is Ordered and Adjudged

[that the plaintiff A. B. recover of the defendant C. D. the sum of, with interest thereon at the rate of percent as provided by law, and his costs of action.]

[that the plaintiff take nothing, that the action be dismissed on the merits, and that the defendant C. D. recover of the plaintiff A. B. his costs of action.]

Dated at New York, New York, this day of, 19.

Clerk of Court.

NOTE

1. This Form is illustrative of the judgment to be entered upon the general verdict of a jury. It deals with

the cases where there is a general jury verdict awarding the plaintiff money damages or finding for the defendant, but is adaptable to other situations of jury verdicts.

2. The clerk, unless the court otherwise orders, is required forthwith to prepare, sign, and enter the judgment upon a general jury verdict without awaiting any direction by the court. The form of the judgment upon a special verdict or a general verdict accompanied by answers to interrogatories shall be promptly approved by the court, and the clerk shall thereupon enter it. See Rule 58, as amended.

3. The Rules contemplate a simple judgment promptly entered. See Rule 54(a). Every judgment shall be set forth on a separate document. See Rule 58, as amended.

4. Attorneys are not to submit forms of judgment unless directed in exceptional cases to do so by the court. See Rule 58, as amended.

(As added Jan. 21, 1963, eff. July 1, 1963.)

Form 32. Judgment on Decision by the Court

United States District Court for the Southern District of New York

Civil Action, File Number

A. B., Plaintiff v. C. D., Defendant Judgment

This action came on for [trial] [hearing] before the Court, Honorable John Marshall, District Judge, presiding, and the issues having been duly [tried] [heard] and a decision having been duly rendered,

It is Ordered and Adjudged

[that the plaintiff A. B. recover of the defendant C. D. the sum of, with interest thereon at the rate of percent as provided by law, and his costs of action.]

[that the plaintiff take nothing, that the action be dismissed on the merits, and that the defendant C. D. recover of the plaintiff A. B. his costs of action.]

Dated at New York, New York, this day of, 19.

Clerk of Court.

NOTES

1. This Form is illustrative of the judgment to be entered upon a decision of the court. It deals with the cases of decisions by the court awarding a party only money damages or costs, but is adaptable to other decisions by the court.

2. The clerk, unless the court otherwise orders, is required forthwith, without awaiting any direction by the court, to prepare, sign, and enter the judgment upon a decision by the court that a party shall recover only a sum certain or costs or that all relief shall be denied. The form of the judgment upon a decision by the court granting other relief shall be promptly approved by the court, and the clerk shall thereupon enter it. See Rule 58, as amended.

3. See also paragraphs 3-4 of the Explanatory Note to Form 31.

(As added Jan. 21, 1963, eff. July 1, 1963.)

Form 33. Notice of Availability of a Magistrate Judge to Exercise Jurisdiction

In accordance with the provisions of Title 28, U.S.C. §636(c), you are hereby notified that a United States magistrate judge of this district court is available to exercise the court's juris-

diction and to conduct any or all proceedings in this case including a jury or nonjury trial, and 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 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.

Copies of the Form for the "Consent to Jurisdiction by a United States Magistrate Judge" are available from the clerk of the court.

(As added Apr. 28, 1983, eff. Aug. 1, 1983; amended Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 11, 1997, eff. Dec. 1, 1997.)

NOTES OF ADVISORY COMMITTEE ON RULES—1993 AMENDMENT

This form, together with Form 34, is revised in light of the Judicial Improvements Act of 1990. Section 308 modified 28 U.S.C. §636(c)(2) to enhance the potential of parties consenting to trial before a magistrate judge. While the exercise of jurisdiction by a magistrate judge remains dependent on the voluntary consent of the parties, the statute provides that the parties should be advised, and may be reminded, of the availability of this option and eliminates the proscription against judicial suggestions of the potential benefits of referral provided the parties are also advised that they "are free to withhold consent without adverse substantive consequences." The parties may be advised if the withholding of consent will result in a potential delay in trial.

Form 34. Consent to Exercise of Jurisdiction by a United States Magistrate Judge

UNITED STATES DISTRICT COURT DISTRICT OF \_\_\_\_\_

Plaintiff, vs. Defendant. } Docket No. \_\_\_\_\_

CONSENT TO JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. §636(c), the undersigned party or parties to the above-captioned civil matter hereby voluntarily consent to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.

Date Signature

Note: Return this form to the Clerk of the Court if you consent to jurisdiction by a magistrate judge. Do not send a copy of this form to any district judge or magistrate judge.

(As added Apr. 28, 1983, eff. Aug. 1, 1983; amended Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 11, 1997, eff. Dec. 1, 1997.)

Form 34A. Order of Reference

UNITED STATES DISTRICT COURT DISTRICT OF \_\_\_\_\_

Plaintiff, vs. Defendant. } Docket No. \_\_\_\_\_

ORDER OF REFERENCE

IT IS HEREBY ORDERED that the above-captioned matter be referred to United States Magistrate Judge \_\_\_\_\_ for all further proceedings and entry of judgment in accordance with Title 28, U.S.C. §636(c) and the consent of the parties.

U.S. District Judge

(As added Apr. 22, 1993, eff. Dec. 1, 1993.)

Form 35. Report of Parties' Planning Meeting

[Caption and Names of Parties]

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on \_\_\_\_\_ (date) at \_\_\_\_\_ (place) and was attended by: \_\_\_\_\_ (name) for plaintiff(s); \_\_\_\_\_ (name) for defendant(s); \_\_\_\_\_ (party name) for defendant(s); \_\_\_\_\_ (name) for defendant(s); \_\_\_\_\_ (party name) for defendant(s).

2. Pre-Discovery Disclosures. The parties [have exchanged] [will exchange by \_\_\_\_\_ (date)] the information required by [Fed. R. Civ. P. 26(a)(1)] [local rule \_\_\_\_\_].

3. Discovery Plan. The parties jointly propose to the court the following discovery plan: [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects: \_\_\_\_\_ (brief description of subjects on which discovery will be needed)

All discovery commenced in time to be completed by \_\_\_\_\_ (date). [Discovery on \_\_\_\_\_ (issue for early discovery) to be completed by \_\_\_\_\_ (date).]

Maximum of \_\_\_\_\_ interrogatories by each party to any other party. [Responses due \_\_\_\_\_ days after service.]

Maximum of \_\_\_\_\_ requests for admission by each party to any other party. [Responses due \_\_\_\_\_ days after service.]

Maximum of \_\_\_\_\_ depositions by plaintiff(s) and \_\_\_\_\_ by defendant(s).

Each deposition [other than of \_\_\_\_\_] limited to maximum of \_\_\_\_\_ hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by \_\_\_\_\_ (date) from defendant(s) by \_\_\_\_\_ (date)

Supplementations under Rule 26(e) due \_\_\_\_\_ (time(s) or interval(s))

4. Other Items. [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

The parties [request] [do not request] a conference with the court before entry of the scheduling order.

The parties request a pretrial conference in \_\_\_\_\_ (month and year) \_\_\_\_\_.