

FILED

JUN 20 2024

**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE**

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE: CASE ASSIGNMENTS.) Administrative Order No. 386

ADMINISTRATIVE ORDER

To ensure the Court's docket is handled efficiently and expeditiously and as part of the district's ongoing effort to equalize the distribution of cases, in accordance with 28 U.S.C. § 137, effective June 20, 2024, the work of the Court shall be distributed as follows.

Criminal Assignments

All new East St. Louis criminal cases shall be divided among the undersigned, District Judge David W. Dugan, and District Judge Stephen P. McGlynn randomly and equally at 30 percent each. District Judge Staci M. Yandle shall receive 10 percent of these assignments. All new Benton criminal cases shall be divided among District Judge Staci M. Yandle and Senior District Judge J. Phil Gilbert randomly and equally.

Civil Assignments

Except as specified below, all civil cases will be assigned randomly and equally to all district judges. This includes all (1) non-prisoner, non-*pro se* civil cases, (2) any new civil action requesting declaratory judgment and/or the imposition of a temporary restraining order or any form of injunctive relief, (3) forfeiture and seizure cases (Nature of Suit Codes 625 and 690), (4) bankruptcy appeals (Nature of Suit Codes 422 and 423), and (5) foreclosure cases (Nature of Suit Code 220).

Newly filed non-prisoner *pro se* civil cases, habeas cases (Nature of Suit Codes 463, 510, 530 and 535), and prisoner cases (Nature of Suit Codes 540, 550, 555, and 560) shall also be assigned equally and randomly to all district judges. Senior U.S. District Judge J. Phil Gilbert will be assigned newly filed prisoner cases at half the rate of the district judges (50 percent) until further order of the Court. However, upon entry into a case, each party in a newly filed non-prisoner *pro se* civil case, habeas case, or prisoner case will be sent a Notice and Consent to Proceed Before a Magistrate Judge Jurisdiction form regarding consenting to the jurisdiction of one of the district's three magistrate judges. Each party will be given **21 days** to file the completed form indicating *consent* or *non-consent* to the jurisdiction of a magistrate judge conducting all proceedings, including trial and entry of final judgment in accordance with 28 U.S.C. § 636(c). Upon the consent of all parties in a case, and *only* if a non-prisoner *pro se* civil case or habeas corpus case survives threshold review, the case will be randomly and equally assigned to a magistrate judge for all further proceedings consistent with 28 U.S.C. § 636(c). If all parties do not consent to the magistrate judge's jurisdiction, the case will remain with the presiding district judge. At the district judge's discretion, a motion or matter may be specifically referred to a magistrate judge or a special master in accordance with 28 U.S.C. §§ 636(b)(1)-(3) and Federal Rule of Civil Procedure 53. Subsequent consents by all parties to the jurisdiction of a magistrate judge will not be accepted.

Newly filed Social Security cases (Nature of Suit Codes 861 through 865) will be assigned to all active district and magistrate judges (consistent with 28 U.S.C. § 636) randomly and in an equal manner, except for Senior Judge Gilbert, as discussed more

below. If originally assigned to a magistrate judge, upon entry into a case, each party will be sent a Notice and Consent to Proceed Before a Magistrate Judge Jurisdiction form regarding consenting to the jurisdiction of one of the district's three magistrate judges. Each party will be given 21 days to file the completed form indicating *consent* or *non-consent* to the jurisdiction of the assigned magistrate judge conducting all proceedings, including trial and entry of final judgment in accordance with 28 U.S.C. § 636(c). Upon the consent of all parties in a case, the case and jurisdiction will remain with the magistrate judge assigned to the case. If all parties do not consent to the magistrate judge's jurisdiction, the case will be randomly assigned to a district judge for all further proceedings. At the district judge's discretion, a motion or matter may be specifically referred to the previously assigned magistrate judge or a special master in accordance with 28 U.S.C. §§ 636(b)(1)-(3) and Federal Rule of Civil Procedure 53. Subsequent consents by all parties to the jurisdiction of a magistrate judge will not be accepted.

Consistent with these changes, the Court will no longer seek consent from the parties in the cases listed in Attachment A. Those cases shall remain with the presiding district judge. Any cases previously assigned only to the district's magistrate judges prior to the date of this Order, especially those for which consent remains outstanding, shall remain assigned to the magistrate judges, unless or until a party denies consent.

Judge-Specific Assignments

Senior District Judge J. Phil Gilbert will not be assigned to newly filed Employee Retirement Income Security Act cases (Nature of Suit Code 791), Products Liability cases (Nature of Suit Codes 195, 245, 315, 345, 355, 365, 367, 368, and 385), Federal Tort Claim

Act cases pursuant to 28 U.S.C. § 1346, Social Security matters (Nature of Suit Codes 861 through 865), or class actions until further order of the Court.

For judicial economy and efficiency reasons, the following judges shall preside over certain cases:

- The undersigned shall continue to preside over all cases involving the synthetic chemical compound Paraquat Dichloride (MDL No. 3004).
- District Judge Staci M. Yandle shall continue to preside over all cases filed against Honeywell International, Inc., alleging personal injury and/or property damage from hazardous gas emitting from a plant in Metropolis, Illinois.
- District Judge Staci M. Yandle shall continue to preside over all asbestos cases.
- District Judge Stephen P. McGlynn shall continue to preside over all newly filed civil cases challenging the legality and/or constitutionality of Illinois statute 720 Ill. Comp. Stat. 5/24-1.9, criminalizing the manufacture, possession, delivery, sale, or purchase of certain firearms.

Any civil case currently assigned to a former or retired magistrate judge shall be reassigned among the district's three magistrate judges equally and randomly. Any criminal case currently assigned to a former or retired magistrate judge shall be reassigned to the duty magistrate judge. Any cases assigned to retired District Judge Michael J. Reagan shall be reassigned to District Judge David W. Dugan; any cases assigned to retired District Judge David R. Herndon shall be reassigned to District Judge Stephen P. McGlynn. All other cases assigned to former or retired district judges shall be reassigned among the district judges equally and randomly.

This Administrative Order **SUPERSEDES** and **VACATES** the following Administrative Orders:

- Administrative Order Numbers 76, 78, 89, 95, 100, 133, 154, 189, 190, 194, 240, 248, 250, 251, 252, 260, 277, 289, 330, 339, 341, 347, 350, and 367;
- Administrative Order No. 132, as well as the first, second, and third amendments of said order; and
- Administrative Order 257, as well as the first amendment of said order.

IT IS SO ORDERED.

DATED: June 20, 2024



NANCY J. ROSENSTENGEL
Chief U.S. District Judge

ATTACHMENT A

<u>Case Number</u>	<u>Case Name</u>
20-895-NJR	<i>Roberson, et al. v. Maestro Consulting Servs. LLC, et al.</i>
24-1471-NJR	<i>Mixen v. Navient Sols., LLC, et al.</i>
21-1747-SPM	<i>Griffiths v. Eggemeyer, et al.</i>
24-797-SPM	<i>Spire STL Pipeline LLC v. Turman, et al.</i>
22-530-DWD	<i>Crawford v. Burkhartzmeyer, et al.</i>
23-2734-DWD	<i>Doe v. Xenia Cmty. Safety Corp., et al.</i>
24-506-DWD	<i>Triplett v. Walmart, Inc.</i>
24-507-DWD	<i>Scott v. Walmart, Inc.</i>
24-517-JPG	<i>Encore Bank v. Shepard Hay & Ag Prods., LLC, et al.</i>
24-1389-JPG	<i>Brainlife LLC v. Beekeeper's Naturals, Inc., et al.</i>
24-1406-JPG	<i>Weatherspoon v. Groendyke Transport, Inc.</i>
24-1427-JPG	<i>Butler v. Bradley's Bldg. Maint., LLC</i>