**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. XX-XXXXX-CIV-ROSENBERG/MAYNARD**

**YY,**

**Plaintiff,**

**v.**

**ZZ,**

**Defendant.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/**

**ORDER REQUIRING JOINT FILING REGARDING REMITTAL WAIVER**

**THIS CAUSE** comes before this Court upon an Order of Reference for a Settlement Conference. This Court schedules that Settlement Conference by way of a separate Order. In addition to the instructions found in its Standing Order, this Court advises the parties as follows:

1. The undersigned is the U.S. Magistrate Judge who is assigned to this case and to whom the Settlement Conference has been referred. Generally speaking, the undersigned judge would recuse herself after conducting the Settlement Conference given its ex parte and confidential nature. However parties have the option of departing from that general rule and waiving recusal if they so choose. Canon 3D of the Code of Conduct for U.S. Judges, Remittal of Disqualification, provides that in some circumstances when a judge is disqualified from proceeding further, the judge still may remain on the case if the parties agree in writing to waive the disqualification. The undersigned hereby informs the parties of this option. The parties MUST confer about this option before filing ANY response to this Order.
2. If **all** parties wish to waive recusal, a remittal waiver to that effect, signed by all parties, must be filed into the case docket. The notice shall be entitled “JOINT REMITTAL WAIVER OF JUDICIAL RECUSAL” and shall contain the text: “The parties to this litigation all have consulted with their respective counsel of record about the Order Requiring Joint Filing Regarding Remittal. Having done so, the parties all consent to U.S. Magistrate Judge Maynard remaining assigned to this case after she conducts the Settlement Conference. The parties hereby waive any request for U.S. Magistrate Judge Maynard to recuse herself based on her role in conducting the Settlement Conference.”
3. However, if **any** party declines to waive recusal, the parties instead shall file a “JOINT NOTICE OF NON-WAIVER OF JUDICIAL RECUSAL”. That notice shall contain the text: “The parties hereby decline to waive the recusal of U.S. Magistrate Judge Maynard from this case should she conduct the Settlement Conference.” The Joint Notice **shall not identify which party declined to execute the waiver.** The filing of this notice will inform the undersigned of the parties’ preference for her to recuse herself from this case after the conclusion of the Settlement Conference. In this event the Clerk of Court will assign a new U.S. Magistrate Judge to this case to replace her.
4. For either notice---whether waiving or not waiving recusal---the parties and their counsel all shall sign the form. In effect the parties shall use the same format as would be done to execute a notice of consent to U.S. Magistrate trial jurisdiction.

Based on the foregoing, it is hereby,

**ORDERED AND ADJUDGED** that the parties shall bring with them either their Joint Remittal Waiver or their Joint Notice of Non-Waiver to the Settlement Conference. The parties shall bring it already filled out, and they shall file it with the Clerk of Court to be docketed into the case docket.

**DONE AND ORDERED** in Chambers at Fort Pierce, Florida, this \_\_\_\_\_ day of September, 2019.

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SHANIEK M. MAYNARD

UNITED STATES MAGISTRATE JUDGE