

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff )  
 )  
 vs. ) Criminal No.08-00026-01/05-CR-W-FJG  
 )  
 )  
 MARY LYNN ROSTIE, et al )  
 )  
 Defendants )

**ORDER OF REFERENCE TO  
UNITED STATES MAGISTRATE JUDGE  
SARAH W. HAYS**

The indictment in the above-styled cause was filed in the Western Division of this Court on February 6, 2008, and was assigned to the undersigned United States District Judge.

Pursuant to Section 636(b), Title 28, United States Code, and Rule 22 of the Local Rules of Procedure of the United States District Court for the Western District of Missouri, it is hereby

ORDERED that United States Magistrate Judge Sarah W. Hays be, and she is hereby, designated to hear and determine all pretrial motions or matters now pending, or hereafter filed in this criminal action, except (1) a motion to dismiss or quash the indictment, and (2) a motion to suppress evidence, in accordance with the provisions of Section 636(b)(1)(A), Title 28, United States Code; and such pretrial motions or matters now pending or hereafter filed in this criminal action are hereby referred to the Magistrate Judge to hear and determine.

Any party may appeal from the Magistrate Judge's order determining a motion within ten (10) days after issuance of the order unless a different time is prescribed by the Magistrate Judge or the undersigned District Judge. Such party shall file with the Clerk of Court, and serve the Magistrate Judge and all parties, a written statement of the appeal, which shall specifically designate the order, or part thereof, appealed from

and the basis for the appeal. The undersigned District Judge will consider the appeal and set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law. The undersigned District Judge may reconsider sua sponte any motion determined by the Magistrate Judge. It is further

ORDERED that United States Magistrate Judge Sarah W. Hays be, and she is hereby, designated to hear and process all pretrial motions to (1) dismiss or quash the indictment, and (2) suppress evidence, now pending or hereafter filed in this criminal action, in accordance with the provisions of Section 636(b)(1)(B) and (b)(1)(C), Title 28, United States Code; and all such pretrial motions now pending or hereafter filed in this criminal action are hereby referred to the Magistrate Judge to hear and process. Any party may object to the Magistrate Judge's proposed findings and recommendations in respect to (1) a motion to dismiss or quash the indictment, or (2) a motion to suppress evidence, within ten (10) days after being served with a copy of the proposed findings and recommendations. Such party shall file with the Clerk of Court and serve the Magistrate Judge and all parties written objections which shall specifically identify the portion or portions of the proposed findings and recommendations to which an objection is made and the basis for each objection.

The undersigned District Judge will make a de novo determination of those portions of the proposed findings and recommendations to which specific objection is made, and may accept, reject or modify, in whole or in part, the proposed findings or recommendations made by the Magistrate Judge. The undersigned District Judge need not conduct a new hearing and may consider only the record developed before the Magistrate Judge in making his de novo determination. The undersigned District Judge may receive further evidence, recall witnesses, or recommit the motion to the Magistrate Judge with instructions. It is further

ORDERED that the Magistrate Judge may, in her discretion, reassign any motions referred to her pursuant to this order, to another Magistrate Judge for processing and handling. In the event of such a reassignment, the Magistrate Judge to whom the motion is reassigned is hereby designated to hear and determine or hear and process the motion in accordance with the provisions of this order.

ORDERED that when the processing of a motion or matter referred to the Magistrate Judge, pursuant to this order, requires the presence of a court reporter to report the proceedings, the undersigned District

Judge's reporter will be made available to the Magistrate Judge. Provided, however, the Magistrate Judge shall schedule the hearing or other proceeding on the motion or matter at a time and on a date that will not conflict with a setting before the undersigned District Judge.

s/Fernando J. Gaitan, Jr.  
Fernando J Gaitan, Jr.  
Chief United States District Judge

Kansas City, Missouri

Dated: 2/19/08

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