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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

<p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.</p> <p>Order Appointing Referee Pursuant to C.C.P. §639(a)(1), (2), (3), or (4)</p>
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The Court hereby appoints (*Name, address, phone, fax, e-mail address and State Bar # if applicable*) to act as a referee under {*pick one of the following*}

C.C.P. section 639(a)(1) {describe the reasons and the details that “... *the trial of an issue of fact requires the examination of a long account on either side; in which case the referees may be directed to hear and decide the whole issue, or report upon any specific question of fact involved therein.*”}

OR

C.C.P. section 639(a)(2) {describe the reasons and details that “*the taking of an account is necessary for the information of the court before judgment, or for carrying a judgment or order into effect.*”}

OR

1 C.C.P. section 639(a)(3) {describe the reasons and details of what "...question(s) of fact, other
2 than upon the pleadings [describe which facts you need the referee to determine], arises upon
3 motion or otherwise, in any stage of the action."}

4 OR

5 C.C.P. section 639(a)(4) {describe the reasons and details of what information the court needs the
6 referee to provide for the Special Proceeding}

7 The maximum hourly rate to be charged by the Referee is \$_____. The maximum
8 numbers of hours for which the Discovery Referee may charge is _____.

9 The court has determined that no party has established an economic inability to pay a pro
10 rata share of the referee's fee. The Discovery Referee's compensation of \$_____ per hour is to
11 be shared equally by the parties unless otherwise ordered. Each side to submit a \$_____

12 retainer to the Discovery Referee no later than _____. The retainer will be applied to the
13 Discovery Referee's compensation of \$_____ per hour and will be split between the
14 parties as follows _____ unless otherwise recommended and ordered. Payment of
15 fees and costs shall be made within 30 days of receipt of invoice from the Referee. Any dispute
16 with respect to allocation shall be submitted to the Court. The Court shall retain jurisdiction after
17 dismissal of the action to hear any motion related to apportionment or nonpayment of the fees and
18 costs of the Referee.

19 OR

20 {Plaintiff/Defendant/Cross-Defendant} argues that they have limited financial ability to pay
21 for the Referee's fees and has provided the court with {state information that was provided, how it
22 was provided}. Upon reviewing the information, the court has determined that
23 {Plaintiff/Defendant/Cross-Defendant} has established their inability to pay a pro rata share of the
24 Referee's fees and splits the fees as follows: {state percentages}. Payment of fees and costs shall
25 be made within 30 days of receipt of invoice from the Referee. The Referee has requested a

1 retainer in the amount of \$_____ which will be applied to the final bill.

2 {*Plaintiff/Defendant/Cross-Defendant*} will pay \$_____ and {*Plaintiff/Defendant/Cross-*
3 *Defendant*} will pay \$_____. Retainer payments to be paid within ____ days. Any
4 dispute with respect to allocation shall be submitted to the Court. The Court shall retain
5 jurisdiction after dismissal of the action to hear any motion related to apportionment or
6 nonpayment of the fees and costs of the Referee.

7
8 The use of court facilities and court personnel may not be used without an order from the
9 Presiding Judge. The Discovery Referee is to be contacted to arrange attendance at any proceeding
10 that is open to the public and that is conducted in a private facility or by way of phone or video
11 conference.

12 The Discovery Referee is to submit a written report to the parties and to the court {*within*
13 *20 days after the completion of the hearing*} or {*no later than* _____}, with a proposed
14 order that includes a recommendation on the merits of any disputed issue, a statement of the hours
15 spent, the total fees charged by the referee, and the referee's recommended allocation of referee
16 fees.
17

18 Any party may file an objection to the referee's report or recommendations within 10 days
19 after the referee serves and files the report, or within another time as the court may direct. The
20 objection shall be served on the referee and all other parties. Responses to the objections shall be
21 filed with the court and served on the referee and all other parties within 10 days after the
22 objection is served.

23
24 IT IS SO ORDERED.

25 Dated: _____

26 By: _____
27 Hon.
28 Judge of the Superior Court

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The undersigned consents to serve as the Referee as provided above and certifies that he/she is aware of and will comply with the applicable provisions of canon 6 of the Code of Judicial Ethics and California Rules of Court.

Dated: _____ By: _____
{Referee Name}

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