Superior Court of the State of California

For the County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| Plaintiffs,  vs.  Defendants. |  | Case No.  Order Appointing Discovery Referee Pursuant to C.C.P. §638(b)—A Special Reference |
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All parties to the action have agreed to the appointment of (*Name, address, phone, fax, and e-mail address*), as Discovery Referee pursuant to Code of Civil Procedure section 638(b). The proposed Discovery Referee is an {*active/inactive*} member of the State Bar of California, SB# {\_\_\_\_\_}. The proposed Discovery Referee’s signature provided below, indicates {*his/her*} consent to serve and certification that {*he/she*} is aware of and will comply with the applicable provisions of canon 6 of the Code of Judicial Ethics and the California Rules of Court.

The parties further stipulate and agree as follows:

**Scope and Subject Matter of Reference**

The Discovery Referee is appointed to hear all discovery purposes in the action. The Discovery Referee is authorized to set the date, time, and place for all hearings determined by the referee to be necessary; direct the issuance of subpoenas; preside over hearings; take evidence; and rule on objections, motions, and other requests made during the course of the hearing. The Discovery Referee is also authorized to attend depositions, conduct *in camera* inspections and to undertake such other hearings, as he/she deems appropriate.

OR

The Discovery Referee is appointed for the following discovery matters: {*describe in detail*}. The referee is authorized to set the date, time, and place for all hearings determined by the referee to be necessary; direct the issuance of subpoenas; preside over hearings; take evidence; and rule on objections, motions, and other requests made during the course of the hearing. The Discovery Referee is also authorized to attend depositions, conduct in camera inspections and to undertake such other hearings, as he/she deems appropriate in furtherance of this reference.

**Referee’s Compensation**

The parties have agreed that Discovery Referee's compensation of $\_\_\_\_\_\_\_ per hour is to be shared equally by the parties unless otherwise ordered. Each side to submit a $\_\_\_\_\_\_\_\_ retainer to the Discovery Referee no later than \_\_\_\_\_\_\_\_\_\_\_\_. The retainer will be applied to the final invoice. Payment of fees and costs shall be made within 30 days of receipt of invoice from the Discovery Referee. Any dispute with respect to allocation shall be submitted to the Court. The Court shall retain jurisdiction after dismissal of the action to hear any motion related to apportionment or nonpayment of the fees and costs of the Discovery Referee.

**Use of Court Facilities and Court Personnel**

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

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**Referee’s Report**

The Referee is to serve a written report to the parties and file with the court within 20 days after the completion of the hearing, with a proposed order that includes a recommendation on the merits of any disputed issue, a statement of the hours spent, the total fees charged by the referee, and the Referee’s recommended allocation of referee fees.

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

OR

The referee must report to the court as follows: {*describe the time and manner of reporting to the court as well as what must be included in the report.*}

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

**Certification of Proposed Discovery Referee**

The undersigned consents to serve as the Discovery 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*}

SO STIPULATED:

Dated:                           By:   \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorneys for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated:                           By:   \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorneys for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IT IS SO ORDERED.

Dated:                           By:   \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Hon.

Judge of the Superior Court