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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>Stipulation and Order Appointing Referee Pursuant to C.C.P. §638(b)— A Special Reference</p>
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All parties to the action have agreed to the appointment of (*Name, address, phone, fax, and e-mail address*), as a Special Reference Referee pursuant to Code of Civil Procedure section 638(b). The proposed Referee is an {*active/inactive*} member of the State Bar of California, SB# {\_\_\_\_\_}. The proposed 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 Referee is appointed to hear the following issues: {*Describe what findings of fact and conclusions of law the Referee is to provide in a report to the Court*}

The Referee is authorized to set the date, time, and place for all hearings determined by the

1 referee to be necessary; direct the issuance of subpoenas; preside over hearings; take evidence;  
2 and rule on objections, motions, and other requests made during the course of the hearing. The  
3 Referee is also authorized to conduct in camera inspections and to undertake such other hearings,  
4 as he/she deems appropriate.

5 **Referee's Compensation**

6 The parties have agreed that Referee's compensation of \$\_\_\_\_\_ per hour is to be shared  
7 equally by the parties unless otherwise ordered. Each side to submit a \$\_\_\_\_\_ retainer to the  
8 Referee no later than \_\_\_\_\_. The retainer will be applied to the final invoice. Payment of  
9 fees and costs shall be made within 30 days of receipt of invoice from the Referee. Any dispute  
10 with respect to allocation shall be submitted to the Court. The Court shall retain jurisdiction after  
11 dismissal of the action to hear any motion related to apportionment or nonpayment of the fees and  
12 costs of the Referee.  
13

14 **Use of Court Facilities and Court Personnel**

15 The use of court facilities and court personnel may not be used without an order from the  
16 Presiding Judge. The Referee is to be contacted to arrange attendance at any proceeding that is  
17 open to the public and that is conducted in a private facility or by way of phone or video  
18 conference.  
19

20 **Referee's Report**

21 The Referee is to serve a written report to the parties and file with the court within 20 days  
22 after the completion of the hearing, with a proposed order that includes a recommendation on the  
23 merits of any disputed issue, a statement of the hours spent, the total fees charged by the referee,  
24 and the Referee's recommended allocation of referee fees.  
25

26 Any party may file an objection to the Referee's report or recommendations within 10 days  
27 after the referee serves and files the report, or within another time as the court may direct. The  
28

1 objection shall be served on the referee and all other parties. Responses to the objections shall be  
2 filed with the court and served on the Referee and all other parties within 10 days after the  
3 objection is served.

4 OR

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

7 Any party may file an objection to the Referee's report or recommendations within {\_\_\_}  
8 days after the referee serves and files the report, or within another time as the court may direct.

9 The objection shall be served on the Referee and all other parties. Responses to the objections  
10 shall be filed with the court and served on the Referee and all other parties within {\_\_\_} days after  
11 the objection is served.  
12

13 **Certification of Proposed Referee**

14 The undersigned consents to serve as the Referee as provided above and certifies that he/she  
15 is aware of and will comply with the applicable provisions of canon 6 of the Code of Judicial  
16 Ethics and California Rules of Court.  
17

18 Dated: \_\_\_\_\_ By: \_\_\_\_\_  
19 {Referee Name}

20 SO STIPULATED:

21  
22  
23 Dated: \_\_\_\_\_ By: \_\_\_\_\_  
24 Attorneys for \_\_\_\_\_

25  
26 Dated: \_\_\_\_\_ By: \_\_\_\_\_  
27 Attorneys for \_\_\_\_\_  
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IT IS SO ORDERED.

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

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

Hon.  
Judge of the Superior Court

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