

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX NO. <i>(Optional):</i></p> <p>E-MAIL ADDRESS <i>(Optional):</i></p> <p>ATTORNEY FOR <i>(Name):</i></p>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
<input type="checkbox"/> STIPULATION <input type="checkbox"/> MOTION FOR ORDER APPOINTING REFEREE	CASE NUMBER:

1. **Applicant.** The following parties apply for appointment of a referee *(name each applicant)*:

2. **Statutory ground for appointment.**

- a. **Section 638.** Appointment of the referee is requested under Code of Civil Procedure section 638 because *(check one)*:
- (1) all parties to the action have agreed to the appointment of a referee under section 638.
 - (2) the parties entered into a written contract or lease that provides that any controversy arising from it shall be heard by a referee, as follows *(identify agreement and state provision for appointment of referee below or in Attachment 2a)*:

- b. **Section 639.** Appointment of the referee is requested under Code of Civil Procedure section 639 because *(check and complete (1) or (2))*:

- (1) **Discovery reference.** It is necessary for the court to appoint a referee to hear and determine any and all discovery motions and disputes relevant to discovery in the action and to report findings and make a recommendation thereon. *(Code Civ. Proc., § 639(a)(5). State the exceptional circumstances specific to the particular case that require the discovery reference, below or in Attachment 2b(1).)*

- (2) **Other reference.** *(Check one or more of the following statutory grounds and state the reason the appointment is requested, below or in Attachment 2b(2).)*
 - (a) The trial of an issue of fact requires the examination of a long account. *(Code Civ. Proc., § 639(a)(1).)*
 - (b) The taking of an account is necessary for the information of the court before judgment, or for carrying a judgment or order into effect. *(Code Civ. Proc., § 639(a)(2).)*
 - (c) A question of fact, other than upon the pleadings, has arisen by motion or otherwise. *(Code Civ. Proc., § 639(a)(3).)*
 - (d) It is necessary for the information of the court in a special proceeding. *(Code Civ. Proc., § 639(a)(4).)*

3. **Referee.** Applicant requests appointment of the following person as referee:

- a. Name:
- b. Business address:
- c. Telephone number:
- d. The proposed referee is an active or inactive member of the State Bar. *(A proposed referee who is a former California judicial officer must also be an active or inactive member of the State Bar.)* The proposed referee's State Bar number is:

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4. Subject matter of reference.

- a. **Section 638.** Applicant requests that the reference include (*check and complete one*):
- (1) all issues in dispute.
 - (2) the following issues (*describe issues to be covered by reference below or in Attachment 4a*):

- b. **Section 639.** Applicant requests that the reference include the following issues (*describe issues below or in Attachment 4b*):

5. Referee's compensation. (*Check and complete one.*)

- a. The referee will not be privately compensated by the parties.
- b. The referee will be privately compensated by the parties as follows:
- (1) The parties have agreed that the referee's fees shall be paid as follows (*state agreement below or in Attachment 5b*):

 - (2) The parties have not agreed on payment of the referee's fees and request the matter to be resolved by the court under Code of Civil Procedure section 645.1.

6. Use of court facilities and personnel. (*Check and complete one.*)

- a. Applicant does not request the use of court facilities or court personnel.
- b. Applicant requests the use of court facilities or court personnel. (*Describe the requested use below or in attachment 6b. If the reference is to be conducted by a privately compensated referee appointed under Code Civ. Proc., § 638, also state why the use of court facilities or court personnel will further the interest of justice. Court facilities and personnel may be used in proceedings before a privately compensated section 638 referee only upon a finding of the presiding judge that the use would further the interest of justice.*)

7. Hearing location information. The following person may be contacted to arrange attendance at any proceeding that is open to the public and that is conducted in a private facility (*complete all of the following*):

- a. Name:
- b. Address:
- c. Telephone:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF APPLICANT OR ATTORNEY)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF APPLICANT OR ATTORNEY)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF APPLICANT OR ATTORNEY)
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