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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 Discovery Referee Pursuant to C.C.P. §639(a)(5)</p>
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The Court hereby appoints (*Name, address, phone, fax, e-mail address and State Bar #*) to act as Discovery Referee under C.C.P. section 639(a)(5) for all pending and any subsequent discovery motions This reference is made because of the complexity issues, the ongoing nature of the discovery disputes and (*state any additional reasons*). The maximum hourly rate to be charged by the Discovery Referee is \$_____. The maximum numbers of hours for which the Discovery Referee may charge is _____.

{*Plaintiff/Defendant/Cross-Defendant*} argues that they have limited financial ability to pay for the Discovery Referee’s fees and has provided the court with {*state information that was provided, how it was provided*}. Upon reviewing the information, the court has determined that {*Plaintiff/Defendant/Cross-Defendant*}has established their inability to pay a pro rata share of the

1 Discovery Referee's fees and splits the fees as follows: *{state percentages}*. Payment of fees and
2 costs shall be made within 30 days of receipt of invoice from the Referee. The Discovery Referee
3 has requested a retainer in the amount of \$_____ which the Court will allow, and this
4 amount will be applied to the final bill. *{Plaintiff/Defendant/Cross-Defendant}* will pay
5 \$_____ and *{Plaintiff/Defendant/Cross-Defendant}* will pay \$_____. Retainer
6 payments are to be paid within ____ days. Any dispute with respect to allocation shall be
7 submitted to the Court. The Court shall retain jurisdiction after dismissal of the action to hear any
8 motion related to apportionment or nonpayment of the fees and costs of the Referee.
9

10 *OR*

11 The court has determined that no party has established an economic inability to pay a pro
12 rata share of the referee's fee. The Discovery Referee's compensation of \$_____ per hour is to
13 be shared equally by the parties unless otherwise ordered. Each side to submit a \$_____
14 retainer to the Discovery Referee no later than _____ and will be applied to the final
15 invoice. Payment of fees and costs shall be made within 30 days of receipt of invoice from the
16 Discovery Referee. The Discovery Referee has requested a retainer of \$_____ from each
17 party which will be applied to the final bill. Any dispute with respect to allocation shall be
18 submitted to the Court. The Court shall retain jurisdiction after dismissal of the action to hear any
19 motion related to apportionment or nonpayment of the fees and costs of the Referee.
20

21 The Discovery Referee has the authority to set the date, time and place for all hearings
22 determined by the referee to be necessary, to direct the issuance of subpoenas, to preside over
23 hearings, to take evidence, and to rule on objections, motions, and other requests made during the
24 course of the hearing. The Discovery Referee is also authorized to attend depositions, conduct in
25 camera inspections and to undertake such other hearings, as he/she deems appropriate.
26

27 The use of court facilities and court personnel may not be used without an order from the
28 Presiding Judge. The Discovery Referee is to be contacted to arrange attendance at any proceeding

1 that is open to the public and that is conducted in a private facility or by way of phone or video
2 conference.

3 The Discovery Referee is to serve a written report to the parties and to the court within 20
4 days after the completion of the hearing, with a proposed order and any recommendation for the
5 imposition of sanctions or reallocation of Discovery Referee fees.

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

11 IT IS SO ORDERED.

12 Dated: _____

13 By: _____
14 Hon.
15 Judge of the Superior Court

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

20 Dated: _____

21 By: _____
22 {Referee Name}

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