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| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX NO. (Optional):</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</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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| PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: | CASE NUMBER: |
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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:

Date:

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