

## FORM 146. STIPULATION FOR APPOINTMENT

(Inclusive of All Issues)

Attorneys for

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF.....

.....,

)

CASE NO.:\_\_\_\_\_

)

Plaintiff,

)

STIPULATION FOR APPOINT-

)

MENT OF TEMPORARY

vs.

)

JUDGE; JOINDER BY

	)	ATTORNEYS; CONSENT OF
.....,	)	TEMPORARY JUDGE
	)	APPROVAL AND ORDER OF
Defendant.	)	APPOINTMENT; OATH OF
	)	OFFICE; CERTIFICATION
_____	)	BY TEMPORARY JUDGE

### Stipulation for Appointment

Pursuant to the provisions of California Constitution, Article VI, § 21, and CRC 2.831–2.834, the parties litigant personally and through joinder of their respective counsel, hereby stipulate as follows:

1. *Temporary Judge:* That ..... [name], a member of the State Bar of California, be appointed as a Temporary Judge, to hear and determine the above-entitled matter until its final determination. The address of ..... [name], is ..... , and his/her telephone number is .....
2. *Parties Litigant and Attorneys:* The parties to this cause and their attorneys are:

Parties

Attorneys

\_\_\_\_\_

\_\_\_\_\_

Plaintiff[s]

Address: \_\_\_\_\_

\_\_\_\_\_

Defendant[s]

Address: \_\_\_\_\_

\_\_\_\_\_

*3. Issues to be Submitted [Alternatives: Choose one or a combination of the following]:*

- (a) All issues necessary for a complete determination of the cause, as determined by the pleadings on file and which are then at issue, together with such additional issues as the parties, from time to time, may stipulate are to be heard and adjudicated by the Temporary Judge.
- (b) The Temporary Judge shall hear and conduct a trial of this matter, including all pretrial motions and discovery matters, presiding over the trial, rendition of judgment and the hearing and determination of all post-trial motions.
- (c) The Temporary Judge shall hear and determine only those pretrial and trial matters pertaining to the issues of liability, if any, of any of the named defendants to the plaintiff for any damages allegedly suffered by the plaintiff.
- (d) The Temporary Judge shall hear and conduct such settlement conferences and/or proceedings including all or any of the parties to this action as are necessary to effect an entire or any partial settlement amongst all or any of the parties to this matter. It is further agreed that all settlement proceedings had pursuant to this authority shall be convened under the provisions of Ev.C. § 1119.
- (e) All law and motion matters (e.g., applications to amend pleadings, demurrers, motions to strike, motions for summary judgment, etc.).
- (f) All applications for provisional remedies.
- (g) All discovery matters (e.g., not only all applications for and to compel discovery, but all proceedings re sanctions, etc.).

*4. Compensation and Costs*

- (a) *Temporary Judge's Fees:* The compensation of the Temporary Judge shall be at *[his/her usual hourly rate]* for all of the time spent on the case, including preparation time for motion and discovery matters, actual trial time and reasonable time spent on necessary research and preparation of written rulings and statement of decision, together with time used for all post-trial proceedings allowed by law and pursued by the parties herein. The compensation of the Temporary Judge shall be part of taxable costs herein.
- (b) *Certified Shorthand Reporter:* Unless waived by each *[party/side]*, a certified shorthand reporter shall be present at all proceedings before the Temporary Judge, and shall make a record thereof. The fees of the reporter shall be taxable as part of the costs in the case.
- (c) *Unpaid Fees and Costs:* Any sums due and unpaid to the Temporary Judge and to the reporter, by any *[party or parties/side or sides]* to this cause, shall be included in and ordered paid as part of taxable costs herein, in the final judgment.
- (d) *Payment Options:* *[Each (party/side) shall bear and pay all taxable costs herein equally].*

[Based upon the estimate of time agreed to by the parties, the Temporary Judge shall set an estimated amount for the compensation of the Temporary Judge and the reporter. This sum shall be paid in advance before commencement of proceedings by the Temporary Judge, one-half thereof to be paid by each (party/side).]

*[The compensation of the Temporary Judge and reporter as well as any other taxable costs shall be allocated between the respective (parties/sides) by the Temporary Judge as a part of the judgment herein.]*

5. *Trial Date:* The parties desire to have the matter determined as soon as practically possible. The trial date shall be determined by agreement of the parties and the Temporary Judge, or if the parties cannot agree, then by the Temporary Judge alone.

*[Alternate: The Temporary Judge and the parties have set the trial date to be (date).]*

6. *Successor Temporary Judge:* In the event *[designated judge]* becomes unavailable and the parties are unable to agree on a replacement, the Court shall have the power to appoint a successor temporary judge.

[Use Note: The court has no power to appoint a successor temporary judge unless this paragraph is included; see ¶ 6:20.I]

7. *Court Facilities and Personnel:* The parties do not desire to use court facilities and court personnel.

8. *Private Facility:* The proceedings will be conducted in a private JAMS facility.

Address: \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_

Plaintiff[s]

\_\_\_\_\_

Defendant[s]

### **Joinder by Counsel of Record**

The foregoing stipulation is approved as to form and content, and counsel of record for the respective parties join therein, and on behalf of their respective clients do hereby so stipulate.

DATED: \_\_\_\_\_

\_\_\_\_\_

Attorney for Plaintiff[s]

\_\_\_\_\_

Attorney for Defendant[s]

### **Consent**

I, ..... [name], a member of the State Bar of California, consent to act as Temporary Judge until final determination of this matter as set forth in the above Stipulation.

DATED: \_\_\_\_\_

\_\_\_\_\_

Temporary Judge Designee

### Approval and Order Designating Temporary Judge

Good cause appearing therefor, it is ordered:

1. The stipulation of the parties that ..... [name], act as Temporary Judge in this cause be and it is hereby approved.
2. .... [name], having consented to so act, is hereby appointed and designated as Temporary Judge to hear and determine this matter until its final determination in the Superior Court, upon his/her taking and subscribing the oath of office, and certifying that he/she will comply with applicable provisions of Canon 6 of the California Code of Judicial Ethics and the California Rules of Court.
3. This case is assigned to said Temporary Judge and the Clerk of this Court is directed to deliver the Court file and exhibits to the Temporary Judge or to any counsel of record for delivery to the Temporary Judge, to be returned to the Clerk of this Court upon final determination of the matter herein.
4. *Court Facilities and Personnel:* The use of court facilities and court personnel is not authorized.
5. *Private Facility:* The proceedings will be conducted in a private facility.

DATED: \_\_\_\_\_

\_\_\_\_\_

*[Presiding Judge] [Supervising*

*Judge]* of the Superior

Court .....

### Oath of Office

I, ..... [*name*], do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

DATED: \_\_\_\_\_

\_\_\_\_\_

Temporary Judge

Subscribed and sworn to before me this . . . . . day of . . . . . , . . .

\_\_\_\_\_

[*Judge of the Superior*

*Court*] [*Certified Retired*

*Judge of the Superior Court*]

### **Certification by Temporary Judge**

I, ..... [*name*], certify that I am aware of and will comply with applicable provisions of Canon 6 of the California Code of Judicial Ethics and the California Rules of Court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: \_\_\_\_\_

\_\_\_\_\_

Temporary Judge

END OF DOCUMENT

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