

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>) TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER:	
ORDER APPOINTING ACCOUNTING EXPERT <input type="checkbox"/> By Stipulation <input type="checkbox"/> After Hearing	CASE NUMBER:

This proceeding was heard on (*date*): _____ at (*time*): _____ in Dept.: _____
 by Judge (*name*): _____ Temporary Judge
 Petitioner present Attorney present (*name*): _____
 Respondent present Attorney present (*name*): _____
 Other present Attorney present (*name*): _____
 on the Order to Show Cause or motion filed on (*date*): _____ by (*name*): _____

By stipulation of the parties attached hereto (no appearance).

Good cause appearing, **THE COURT ORDERS:**

1. Appointment of expert

(*Name*): _____ (*E-mail*): _____
 (*Address*): _____ (*Telephone*): _____
 (*Fax*): _____

is appointed as the court's expert under Evidence Code section 730. The expert must be impartial and must function at the request of the court and pursuant to this court order. The expert is deemed qualified to perform the following tasks and must do so, provided that the parties comply with the provisions set forth below regarding compensation and documents and information and subject to the provision regarding withdrawal.

2. Expert's tasks

- a. Provide an analysis of cash flow available for support for
 - (1) Petitioner
 - (2) Respondent
- b. Perform an analysis of the community property interest in the business known as (*specify*): _____ as of the most practical date nearest (*specify*): _____
- c. Prepare a valuation of the community interest in stock options or other forms of money interests, such as bonds, notes, mutual funds, and retirement and pension plans, in (*specify*): _____
- d. Calculate the income tax consequences of (*specify*): _____

PETITIONER/PLANTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
---	--------------

e. Calculate the community and separate property interest in real property located at *(address)*:

f. Prepare a written tracing of *(specify)*:

g. Prepare an analysis of petitioner's respondent's separate property claims relating to *(specify)*:

h. Prepare an analysis of petitioner's respondent's reimbursement claims for *(specify)*:

i. Calculate child spousal support arrearages including interest due.

j. Assist with settlement.

k. Other:

3. Compensation

a. A retainer of \$ _____ must be paid within 15 days of the date of this order and will be applied to the final invoice. Any unused portion of the retainer will be refunded by expert at the conclusion of expert's services.

(1) Petitioner to pay \$ _____ within *(specify number of days)*:

Respondent to pay \$ _____ within *(specify number of days)*:

(2) Petitioner to pay the following percent of the expert's retainer *(specify %)*: _____ within *(days)*:

Respondent to pay the following percent of the expert's retainer *(specify %)*: _____ within *(days)*:

(3) Other *(specify compensation terms)*:

b. Court retains jurisdiction to order a different allocation of payment of the retainer, as between parties.

c. The billed amount must be paid on a timely basis as follows:

(1) The petitioner to pay *(specify %)*:

(2) The respondent to pay *(specify %)*:

(3) Other:

d. The court retains jurisdiction to order a different allocation of payment of billed amounts between parties.

e. The expert may request that the parties execute a fee schedule or engagement agreement before accepting the assignment contained in this order.

4. Documents and Information

a. The parties must provide all records requested by the expert, within 20 days of receipt of a written request.

b. Each party must provide responses to questions propounded by the expert within 10 days.

c. If requested by the expert, the parties must provide written authorization directing third parties to provide documents, records, or other information.

5. Communication

a. The expert may contact any party or attorney on an ex parte basis. In the event that an attorney for any party, or any party, communicates with the expert in writing, a copy of the communication must be provided to the other party at the same time.

b. The attorneys must notify the expert of all court dates. The expert may communicate by telephone with either party regarding the scheduling of meetings or hearings and the status of the expert's work.

PETITIONER/PLANTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
---	--------------

6. Disputes

- a. The expert may initiate contact with the court to obtain the court's assistance in resolving disputes related to the completion of the expert's assignment, including, but not limited to, the production of documents, the scope of the assignment, scheduling of court appearances, the payment of the expert's fees, access and entrance to property or any issue related to a violation of this order.
- b. Prior to initiating such contact with the court, the expert must give written notice to each party at least two business days prior to contacting the court of the nature of the dispute and the expert's intention to notify the court.
- c. Contact by the expert with the court will be by letter, by telephone conference call, by declaration, or by motion filed by the expert as the court orders.
- d. Any written communication sent to the court must be provided to the other party at the same time.

7. Reporting

- a. The expert may provide a status report to the court at any time. The status report must be provided to both parties at the same time as it is provided to the court.
- b. The parties must meet with the expert when the report is completed.
- c. Instead of meeting with the parties when the report is completed, the expert may distribute a draft report to the parties.
- d. The parties must submit any objections to the findings and conclusions, any additional factual information they believe the expert should consider, or note any errors they believe the expert has made within ten days unless the expert agrees to provide additional time, which may not exceed 30 days.
- e. The expert's final report must be sent to the court and copies provided to the parties, provided that the parties have complied with the provisions of this order, including the compensation and documents and information provisions.
- f. The expert's final report will be admitted into evidence at any hearing or trial in this matter, over any hearsay and foundation objections, subject to cross-examination.
- g. If either party wishes to cross-examine the expert, that party must give expert at least five business days written notice and must advance the fees requested by expert to prepare for and appear at the hearing, subject to reimbursement or reallocation by the court. Fees for preparing and appearing, as requested by expert must be paid at least two business days before the appearance.
- h. If at any point the provisions regarding compensation of this order, or any engagement agreement between the parties and the expert, have not been complied with, the expert may stop all work and not issue a draft or final report.

8. Enforcement by expert

The expert may bring a motion in this action to enforce the provisions of this order.

9. Withdrawal of the expert

- a. The expert may withdraw at any time as a result of the failure of a party to comply with the terms of this order or at any time the expert determines that the expert cannot complete the assignment. The expert must notify the court and the parties in writing of the facts that form the basis of the need to withdraw.
- b. Fees earned up until the time of withdrawal are due to expert.

10. Commencement of work

The expert is not required to begin work until the expert has been served with a copy of this order.

11. Duty of parties is expert is unavailable

The parties must promptly advise the court if the expert is unable or unwilling to accept the appointment.

12. A hearing is set for

(date): _____ at (time): _____ in Dept.

Date: _____
(JUDICIAL OFFICER)

PETITIONER/PLANTIFF: RESPONDENT/DEFENDANT:	CASE NUMBER:
---	--------------

STIPULATION FOR ENTRY OF ORDER

The parties stipulate that the court may enter the foregoing as an order, each party waiving the right to request a statement of decision, the right to notice of entry, and the right to appeal.

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF RESPONDENT)

Approved as to form and content:

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF ATTORNEY FOR PETITIONER)

Date:

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF ATTORNEY FOR RESPONDENT)